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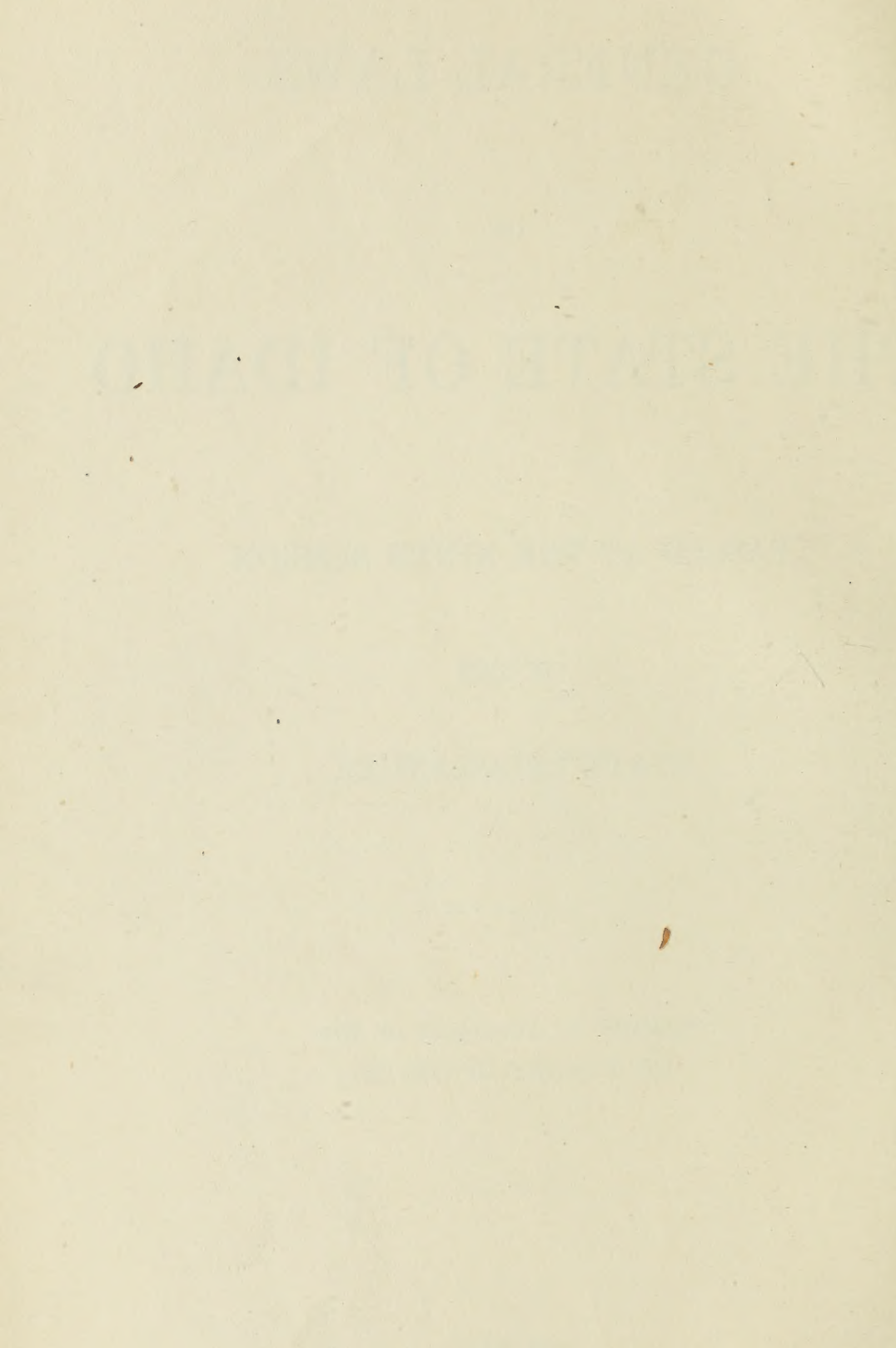


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GENERAL LAWS
OF
THE STATE OF IDAHO
PASSED AT THE NINTH SESSION
OF THE
STATE LEGISLATURE

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

BOISE, IDAHO
SYMS-YORK COMPANY
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1907



GENERAL LAWS OF THE STATE OF IDAHO

HOUSE BILL NO. 1.

AN ACT

TO PROVIDE FOR THE PAYMENT OF OFFICERS, MEMBERS AND EMPLOYES AND FOR THE GENERAL EXPENSES OF THE NINTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL GO INTO EFFECT IMMEDIATELY ON ITS APPROVAL.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the sum of fifty thousand dollars (\$50,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the general fund of the State Treasury, not otherwise appropriated, for the purpose of paying the compensation due the officers, members and employes, and for the general expenses of the Ninth Session of the Legislature of the State of Idaho: *Provided*, That after all expenses of the Ninth Session of the Legislature of the State of Idaho, are paid, any and all money of this appropriation remaining as a surplus appropriation shall revert back to the general fund of the State Treasury.

SEC. 2. That the State Auditor is hereby authorized and required upon the presentation to him of the certificate of the presiding officer of the House, of which the person therein named is a member, officer, or employe, that the party mentioned in the certificate is entitled to compensation to the amount therein stated, to draw his warrant on the general fund of the State Treasury for the amount so certified as due; and also to draw his warrant on the general fund for the general expenses of each House of the Legislature during the Ninth Session, upon receipt from time to time of the certifi-

cate of the presiding officer thereof stating the amount due and to whom it is payable.

SEC. 3. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved on the 17th day of January, 1907.

HOUSE BILL NO. 4.

AN ACT

TO REGULATE LOBBYING OR THE ATTEMPTING TO INFLUENCE ANY MEMBER OF THE LEGISLATURE TO VOTE FOR OR AGAINST ANY MEASURE PENDING THEREIN, MAKING THE VIOLATION OF THIS ACT A MISDEMEANOR AND PRESCRIBING A PENALTY THEREFOR AND DECLARING AN EMERGENCY WHEREBY THE ACT SHALL GO INTO EFFECT UPON ITS APPROVAL BY THE GOVERNOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person employed for a pecuniary consideration to attempt personally and directly to influence any member of the Legislature to vote for or against any measure pending therein, otherwise than by appearing before the regular committees thereof, when in session or by newspaper publication, by public addresses or by written or printed statements, arguments or briefs, two copies whereof shall first be deposited with the Secretary of State. No officer, agent, appointee or employee of the State of Idaho or of the United States shall attempt to influence any member of the Legislature, to vote for or against any measure pending therein, affecting the private interest of such person, except in the manner authorized herein.

SEC. 2 Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by imprisonment in the County jail not to exceed six months and by fine not to exceed two hundred dollars: *Provided*, That this act shall not apply to persons representing or appearing for any municipality in this State.

SEC. 3. It is hereby declared that an emergency exists and the act shall be in effect immediately upon its approval by the Governor.

Approved on the 29th day of January, 1907.

HOUSE BILL NO. 19.

AN ACT

REQUIRING THE ACKNOWLEDGEMENT OF A MARRIED WOMAN TO BE TAKEN AND CERTIFIED TO IN THE SAME MANNER AND FORM AS THAT OF A SINGLE PERSON; PRESCRIBING A FORM THEREFOR AND REPEALING SECTIONS 2956 AND 2960 OF THE REVISED STATUTES OF THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The acknowledgement of a married woman to any instrument in writing shall be taken and certified to in the same manner and form as that of a single person and must be substantially in the form prescribed by Section 2958 of the Revised Statutes of the State of Idaho. Sections 2956 and 2960 of said Revised Statutes are hereby repealed.

Approved on the 6th day of February, 1907.

Concluded
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HOUSE BILL NO. 29.

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED "AN ACT RELATING TO THE PAVING AND CURBING OF, AND CONSTRUCTION OF SIDEWALKS ON THE STREETS OF INCORPORATED CITIES IN THE STATE OF IDAHO, AND PROVIDING FOR THE PAYMENT OF THE EXPENSES THEREOF," APPROVED MARCH 5, 1895, AND DECLARING AN EMERGENCY THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 1 of an act entitled "An act relating to the paving and curbing of, and construction of sidewalks on the streets of incorporated cities as are in the State of Idaho, and providing for the payment of the expenses thereof," approved March 5th, 1895, be and is hereby amended to read as follows:

Section 1. That all incorporated cities of this State, except cities organized or incorporated under special or local laws of Idaho, in which at the last preceding city election held prior to the filing of the petition, or the casting of the vote of the members of the city council mentioned in Section 6 of this act, there were cast seven hundred, or more, votes for

mayor, shall have the powers and be subject to all the provisions of this act; and this act shall be applicable only to all such cities, either organized or incorporated under general laws of this State, and shall not be applicable to incorporated cities organized or incorporated under special or local laws of Idaho.

SEC. 2. An emergency existing therefor, this act shall be in force and take effect from and after its passage and approval.

Approved on the 11th day of February, 1907.

SENATE BILL NO. 9.

AN ACT

TO AMEND SECTION TWO THOUSAND NINE HUNDRED NINETY-FOUR OF THE REVISED STATUTES OF THIS STATE RELATING TO RECORDING TRANSFERS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section two thousand nine hundred ninety-four of the Revised Statutes of the State of Idaho be and the same is hereby amended so as to read as follows:

Section 2994. Before an instrument may be recorded, unless it is otherwise expressly provided, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or secretary, or proved, and the acknowledgment or proof certified in the manner prescribed by Chapter III of this title: *Provided*, That if such instrument shall have been executed and acknowledged in any other state or territory of the United States, or in any foreign country, according to the laws of the state, territory or country wherein such acknowledgment was taken the same shall be entitled to record, and a certificate of acknowledgment indorsed upon or attached to any such instrument purporting to have been made in any such state, territory or foreign country shall be prima facie sufficient to entitle the same to such record.

Approved on the 11th day of February, 1907.

SENATE BILL NO. 11.

AN ACT

TO REPEAL SECTIONS FOUR AND FIVE OF AN ACT ENTITLED "AN ACT PROVIDING THAT THE STATE AND COUNTY PRINTING AND BINDING AND STATIONERY WORK OF THE SEVERAL COUNTIES THROUGHOUT THE STATE SHALL BE EXECUTED WITHIN THE STATE." APPROVED FEBRUARY 27, 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section four and five of an act entitled "An act providing that the State and County printing and binding and stationery work of the several counties throughout the State shall be executed within the State." Approved February 27, 1903, be and the same are hereby repealed.

SEC. 2. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved on the 11th day of February, 1907.

HOUSE BILL NO. 16.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, AND TO PROVIDE FOR ESTABLISHING AND MAINTAINING A GRADED SCHOOL THEREIN." APPROVED FEBRUARY 4, 1881, AND TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF THE INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, AND FOR ESTABLISHING AND MAINTAINING HIGH AND GRADED SCHOOLS THEREIN AND A SUPERINTENDENT THEREFOR, AND TO PROVIDE FOR CHANGING THE BOUNDARY LINES OF AND ENLARGING SAID DISTRICT, AND ASSESSING AND COLLECTING THE TAXES THEREFOR, AND DECLARING AN EMERGENCY THEREFOR.

D. 7, '07L.
H. B. 16 Rep.
D. 48, '29L.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 4 of an act entitled "An act to create the Independent School District of Boise City, and to provide for establishing and maintaining a graded public school therein." Approved February 4, 1881, the same being Section

161 of the special and local laws of Idaho, be and the same is hereby amended to read as follows:

Section 4. The trustees shall, at the first meeting after each biennial election, choose one of their number to act as president, who shall preside at all the meetings of the board; they shall also choose, at said time, some competent person clerk of the board, to act during their pleasure and fix his compensation, said clerk shall execute a bond to the district in such sum as shall be required by the board of trustees, conditioned faithfully to perform the duties of his trust and faithfully to account for and pay over, as may be required by the board of trustees or the law, all moneys that may come to his hands as such clerk; and shall also, at the same time, choose one of their number or some other competent person, who shall be a resident taxpayer of the district, treasurer of the district, and shall fix his compensation, and the treasurer shall execute to the district an official bond in such sum as shall be required by the board of trustees, and the same shall be not less than forty thousand dollars (\$40,000.00) conditioned faithfully to perform the duties of his trust and faithfully to account for and pay over, as may be required by the board of trustees or the law, all moneys that may come into his hands as such treasurer.

In the event of a tie vote upon any proposition coming before said board of trustees and in consequence thereof they are not able to come to an agreement thereon, then it shall be the duty of the president of said board to call in the mayor of Boise City, who shall have the power and whose duty it shall be, to cast the deciding vote on said tie, but otherwise the mayor shall have no part in the proceedings of said board.

SEC. 2. Section 6 of said act, the same being Section 163 of the Special and Local Laws of Idaho, is hereby amended to read as follows:

Section 6. Regular meetings of the board of trustees shall be held on the second Monday in each month, and special meetings may be called by the president of the board, or by any two trustees, by personal notice of the time and place of such meeting to each member of the board, or if he can not be found, by leaving such notice at his place of residence, with some person of suitable age and discretion. Four trustees shall constitute a quorum for the transaction of any business, but a less number may adjourn any regular meeting from

time to time until a quorum can be obtained. The board shall make such rules and regulations as it may deem expedient and necessary for its government, and the government of its employes and the pupils, and no meeting of the board not provided for by the rules, or by law, shall be legal, unless all the members thereof have been notified as provided for in this section.

SEC. 3. That Section 28 of said act, the same being Section 185 of the special and local laws of Idaho, is hereby amended to read as follows:

Section 28. The board of trustees of said district shall have the power and it shall be their duty:

1. To make such by-laws, rules and regulations as they may deem expedient and necessary for their own government and the government of the schools of the district, not inconsistent with the provision of this act;

2. To employ or discharge the superintendent and teachers, mechanics, laborers, or any other employes they may deem necessary and proper, and to fix, allow and order paid their salaries and compensation;

3. To prescribe and fix the rates of tuition for all non-resident pupils of said district, provided that no non-resident pupil shall be admitted to the schools of said district without paying in advance at least one month's tuition as fixed and determined by said board;

4. To adopt a uniform series of text-books for the use of the schools of said district, and the text-books adopted by said board shall be purchased at the expense of said district and furnished to the pupils of said district free of charge, under such rules and regulations as the board may establish; that when such series of text-books shall have been adopted the same shall not be changed for a period of three years except by a vote of at least five-sixths of the board: *Provided, however,* That said board shall have the power to supplement such series at any time; and further provided, however, that said board of trustees shall have power to require the pupils of said district to provide themselves, at their own expense, with stationery, pens, pencils, rulers and other supplies, not covered by the series of text-books herein authorized to be adopted;

5. To grade the schools of said district and fix and prescribe the course of study and the exercises therefor, and re-

quire all the pupils attending the schools of said district to conform thereto;

6. To provide school furniture, fixtures and apparatus needed or required by the schools of said district, or for the official use of the board of trustees;

7. To rent, repair, remodel and insure the school houses and school property of said district, and to preserve the same for the benefit of the schools of said district;

8. To build and remove school houses and buildings, and to purchase or sell school lots or real or personal property, owned or required by said school district;

9. To suspend or expel pupils from the schools of said district who refuse to obey the rules thereof, and to exclude from all schools of said district all children under six or over twenty-one years of age;

10. To determine the qualifications of the superintendent and teachers who shall be employed, the length of time that school shall be kept, to fix a time for the opening and closing of school, and for the dismissal of primary and other pupils before the regular time for closing the schools, and to provide and require of the superintendent and teachers to be employed by said board, that they shall take and pass such examination as to their qualifications as shall be required or prescribed by the board;

11. To discharge the superintendent or any teacher employed by said board for any cause sufficient to the board, and to terminate such contract and the compensation of such superintendent and teacher at any time when the board shall be satisfied that the same is for the best interests of the schools of said district;

12. To require pupils to be furnished with suitable supplies as a condition of membership in the schools of said district, other than the regular uniform series of text-books adopted by said board;

13. To exclude from the schools and school libraries of said district all books, tracts or paper of a sectarian nature;

14. To require the superintendent and teachers to conform to the law and the regulations of the board;

15. To control the conduct and protect the morals and health of the pupils while at school, or going to and returning from school;

16. To appoint all necessary officers for the conduct of special and general elections;

17. To adjust all claims for illegal or double taxation;

18. To provide and designate as many election districts and polling places in said district for election purposes as may, in the opinion of the board, be necessary, not exceeding six, and it shall be the duty of the clerk to designate said districts and polling places for the elections hereafter to be held in the notice thereof to be given as provided by law. The board shall have power, and it shall be its duty, to designate and appoint three judges of election for each of said polling places, but in the event such judges of election are not present at the opening of the polls then the electors present shall appoint legal voters to fill the vacancy. In all respects the election shall be conducted at said polling places as is now provided by law, except that all general school elections, hereafter, shall be held on the first Tuesday of September.

SEC. 4. There is hereby added to said act an additional section which shall be known and designated as Section 31, which is as follows:

Section 31. Whenever ten or more persons with the qualifications of electors as provided in said act, in any territory adjacent to said school district, shall present a petition to the board of trustees of said district, praying that a special election be held in said territory for the purpose of annexing said territory to said district, said board of trustees of said Independent School District may, if in their discretion the same is deemed advisable and for the best interests of said district, forthwith call a special election in said territory, fixing the date thereof, for the purpose of submitting to the qualified electors thereof the question of annexing said territory to said district. Notice of the time and place of holding said election shall be given in the same manner, and said election shall be conducted in the same manner as is provided for holding elections of trustees in said district, so far as applicable, except that said election shall be held at a place in said territory proposed to be annexed to be designated by said board. The ballots for said election must contain the words "Annexation Yes" and "Annexation No," the voter placing the cross (X) after the name he wishes to vote. If a majority of the votes cast at such election are "Annexation Yes," then the board shall declare by a resolution that such territory has

been annexed and the same shall become a part of said district. And thereafter the persons and property in said annexed territory shall be subject to the same benefits and obligations and burdens as the remainder of said district, and shall become part and parcel thereof, and said Independent School District shall become possessed of all the school property, both real and personal, within the territory so annexed and shall assume all the school indebtedness and obligations thereof, and, in the event it becomes necessary to apportion said indebtedness and such school property on account of the division of another school district, or for other cause, then the board of trustees of each of said districts shall appoint a commissioner for that purpose, whose duty it shall be to equitably apportion such property and indebtedness. Such commissioner shall be allowed a reasonable compensation, one-half of which shall be paid by each of said districts. Said commissioner shall report his conclusions in writing to each of said boards and the same shall be final: *Provided*, That an appeal shall lie therefrom to the district court for Ada county, if the same is taken within twenty days from the filing of such report, by either of said boards.

SEC. 5. There is hereby added to said act six additional sections, which shall be known and designated as sections 32, 33, 34, 35, 36 and 37, which are as follows:

Section 32. Assessments for the taxes of the Independent School District of Boise City shall be made by the county assessor of Ada county, at the same time that assessments for said State and county taxes are made, and a list of the property in the Independent School District of Boise City, and the value thereof, shall be made by the county assessor that the property in said independent school district and the value thereof can be separately shown. On or before the first Monday in July of each year the county assessor of Ada county shall deliver to the clerk of the board of trustees of said independent school district a statement showing the aggregate valuation of all the taxable property in said independent school district. The board of trustees of said independent school district shall, on or before the first Monday of August in each year, determine the rate of the school tax for said district, levy the same by resolution, and shall certify the rate and levy to the assessor of Ada county. The county commissioners of Ada county, as a board of equalization, shall have power

and it is their duty to equalize the assessment roll for said independent school district at the times and in the manner provided by law for equalizing assessments for State and county taxes.

The general school taxes of said district shall be extended on the general roll by the county assessor in a separate column, at the rate certified by the board of trustees of said district, at the time the said State and county taxes are extended, and the whole taxes shall be carried into a column of aggregates and shall be collected by the county assessor and tax collector of Ada county, at the times and in the manner provided by law for collecting State and county taxes, and the assessor and tax collector of Ada county shall have the same powers conferred upon him respecting the collection of said school taxes for said independent school district and sale of delinquent property as are conferred respecting the collection of State and county taxes.

All county officers of Ada county entrusted with the assessment, collection, paying over and custody of said school taxes for said district, and their sureties shall be liable upon their official bonds for the faithful performance of their duties in the assessment, collection and safe keeping of said school taxes. The county assessor and tax collector of Ada county shall furnish and give a good and sufficient bond in the amount to be fixed by the board of county commissioners of Ada county, as a protection to said Independent School District of Boise City. Said bond shall run to said Independent School District of Boise City, and shall have therein provided the same conditions, requirements and penalties as are provided in the bond of said official as such county assessor.

Section 33. It shall be the duty of the assessor and tax collector of Ada county to pay over to the treasurer of said Independent School District of Boise City all moneys collected by him on account of said school taxes as fast as collected, and on or before the third Monday in July of each year to make a final settlement with said treasurer respecting said school taxes and pay over all moneys then due said district, including also said district's proportionate amount of delinquent school taxes, interest and costs on all tax sales and redemptions therefrom. The treasurer of said school district shall give to the assessor and tax collector of said Ada county, duplicate receipts for such payments, and the said assessor and

tax collector of Ada county shall give one to the clerk of said district and the other shall be an acquittance to such county assessor and tax collector in settling with the clerk of said independent school district, to the extent of the payment shown.

Section 34. All school taxes levied and assessed under the provisions of this Act shall become due and delinquent and shall attach to and become a lien on the real property assessed, at the same time as State and county taxes; all the provisions of the general revenue laws of Idaho governing and in aid of assessing and collecting State and county taxes, are hereby made applicable to the assessment and collection of said school taxes for said independent school district, wherever the same are not inconsistent with the provisions of this Act.

The Independent School District of Boise City shall pay to said Ada county one and one-half per cent. on the amount of school taxes collected, and such payment shall be in full for the services and compensation of the county assessor and tax collector, and all county officers in assessing, collecting, equalizing and paying over said school taxes.

Section 35. That all parts of said act creating the Independent School District of Boise City of which this is amendatory, relating to the assessment and collection of school taxes which are inconsistent with this Act are hereby repealed.

Section 36. No general laws of the State or any amendment that may be made thereto, shall have the effect to alter or amend this special law or any of the provisions thereof, providing for or relating to the Independent School District of Boise City, when inconsistent therewith, unless the Act, enacting said general laws, clearly expresses such intention by direct reference to the special and local laws of said Independent School District of Boise City.

Section 37. In the event of a vacancy in the membership of the board of trustees of said district, occasioned by death, resignation, or otherwise, it shall be the duty of said board immediately on said vacancy being announced to elect and choose a successor to such trustee to fill such vacancy until the next regular election of trustees. At the next regular election of trustees for said district said vacancy, for the remainder of said term, shall be filled by election, the same as other trustees are elected.

Section 38. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved on the 15th day of February, 1907.

HOUSE BILL NO. 12.

AN ACT

TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO AMEND SECTION 1 OF AN ACT ENTITLED 'AN ACT TO AMEND SECTION 1 OF AN ACT ENTITLED AN ACT ENTITLED AN ACT TO ESTABLISH A SOLDIERS' HOME,'" APPROVED MARCH 6, 1905, AND PROVIDING FOR THE ADMISSION OF VETERANS OF INDIAN WARS IN WHICH THE GOVERNMENT OF THE UNITED STATES WAS INVOLVED, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 1 of an act of the Legislature of the State of Idaho entitled "An act to establish a Soldiers' Home," approved February 9, 1899, as amended February 23, 1905, be and the same is hereby amended to read as follows:

Section 1. That there shall be established in this State an institution under the name of the Soldiers' Home, which institution shall be a home for honorably discharged Union soldiers, sailors and marines who served in the Union armies during the late War of the Rebellion or in Indian wars in which the Government of the United States was involved; also for honorably discharged soldiers, sailors and marines who served in the Spanish-American war and the Philippine insurrection incident thereto; also for members of the State National Guard disabled while in the line of duty; and veterans of the Mexican War: *Provided*, That before a person is admitted to said Home he shall have been a bona fide resident of this State for not less than two years, and shall have registered and voted at one or more general elections in the State of Idaho prior to making application for admission thereto.

SEC. 2. An emergency therefor existing this act shall be in full force and effect from and after its passage and approval by the Governor.

Approved on the 15th day of February, 1907.

HOUSE BILL NO. 31.

AN ACT

TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO AMEND SECTION 5, APPROVED MARCH 16, 1901, OF AN ACT TO AMEND SECTION 35 OF AN ACT ENTITLED 'AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS,' APPROVED FEBRUARY 6, 1899," APPROVED MARCH 9, 1905; AND TO AMEND SECTION 66 OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS," APPROVED FEBRUARY 6, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 1 of an act to amend section 5 of an act entitled "An act to amend Section 5, approved March 16, 1901, of an act to amend Section 35 of an act entitled 'An act to establish and maintain a system of free schools,' approved February 6, 1899," approved March 9, 1905, be amended to read as follows:

Section 1. That Section 5 of the above entitled act be amended to read as follows: Section 5. The board of county commissioners of the several counties of the State shall have power to create new districts from organized territory or from old districts, to change the boundaries of any district heretofore established or to attach to one or more districts the territory included within the boundaries of any district which shall lapse by reason of failure to comply with the provisions of this title: *Provided*, That no district shall be formed from any territory or the boundaries of any district be changed at any other time than at the regular April meetings of the board; nor at any time unless a petition for such new district or the change of boundaries is filed in the office of the county superintendent on or before the 15th day of the month preceding: *Provided, further*, That in no instance shall the changing of the boundaries of any organized district take effect until after the close of school in that district for that school year. If such petition is for a new district, it must set forth the boundaries of the new district asked for and must be signed by the parents or guardians of at least ten children of school age who are residents of the proposed new district, and, if for a change of boundaries, such petition must set forth the change of the boundaries desired, and the reason for the same and must be

signed by at least two-thirds of those who are heads of families and residents of the district or districts whose boundaries are in question: *Provided, further,* That two or more districts lying contiguous, may, upon petition of a majority of the heads of families residing in each of the said districts, be united to constitute one district: *Provided, also,* that no district shall be divided for the purpose of forming a new district unless it contains an area of more than nine square miles except on the approval of the county superintendent of schools and by the unanimous vote of the board of county commissioners, nor shall a new district be divided if by so doing the remainder of the district shall be found to contain less than fifteen persons of school age; nor shall incorporated cities or towns hereafter be divided into two or more districts: *Provided, further,* That when it shall appear that a pupil living in one district cannot attend school in his or her own district because of the distance of the school house, or for any other valid reason, such pupil may attend the school in any district in the county in which his or her own district is situated, upon making the proper application to the county superintendent, which official shall be the judge of the necessity for making such change, and that district shall receive from such pupil's tuition from such pupil's district such an amount as the said pupil would be accredited with in his or her own district.

SEC. 2. That Section 66 of an act entitled "An act to establish and maintain a system of free schools," approved February 6, 1899, be amended to read as follows:

Section 66. Non-resident pupils. Trustees may determine whether pupils outside of their counties may attend school within their districts and upon what terms.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. An emergency existing therefor, this act shall be in full force and effect from and after its passage and approval.

Approved on the 15th day of February, 1907.

HOUSE BILL NO. 61.

AN ACT

TO PROVIDE FOR THE PRESERVATION OF THE FORESTS AND TIMBER LANDS OF AND IN THIS STATE, FOR THE CREATION OF THE OFFICES OF FIRE WARDENS AND DEPUTY FIRE WARDENS, AND THEIR COMPENSATION, THE MANNER OF THEIR APPOINTMENT AND TERM OF OFFICE AND FOR THE CARRYING INTO EFFECT OF THE PROVISIONS OF THIS ACT; DEFINING THE DUTIES AND POWERS OF SAID OFFICERS AND OTHER OFFICERS IN CONNECTION WITH THIS ACT; PRESCRIBING THE DUTIES OF PERSONS, FIRMS AND CORPORATIONS UNDER THIS ACT AND PROVIDING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF, REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The State Board of Land Commissioners of the State of Idaho shall divide the State into districts to be known and designated as fire districts, having due regard in establishing the boundaries thereof to the area of forests or timber lands therein; they shall appoint, upon the application of any owner or owners of land or other property within the State, one fire warden within each of the districts of the State, and such fire wardens, so appointed, shall be paid by said property owners applying for the appointment of the same, and shall in no case be paid by the State. All of such appointments shall be made for one year, unless sooner revoked, and the State Board of Land Commissioners may at any time revoke any such appointment, upon good cause shown. The fire wardens, so appointed, shall appoint, as deputy fire wardens, within their respective districts, such persons as shall be designated by such owners of land or other property, who shall also be paid by the person or persons securing their appointment. Their employment shall not be for any definite time, and they shall be discharged immediately by the fire warden of their district upon the request of such person or persons at whose instance they were appointed. The fire warden and deputy fire wardens shall have and exercise police powers while engaged in performing the duties of their respective offices: *Provided*, That the State Board of Land Commissioners shall prepare an abstract of the penal laws re-

lating to forest and prairie fires, together with proper regulations and suggestions for the prevention and control thereof, and before April first in each year shall forward printed copies to all fire wardens, railroad companies, and chairmen of county boards. The wardens shall post such abstract in numerous conspicuous places in their respective districts.

SEC. 2. The fire wardens shall enforce the provisions of this act. They, and the deputy fire wardens shall patrol their districts in dry seasons. They shall promptly investigate each prairie and forest fire within their respective districts. Each fire warden shall make an annual report to the State Board of Land Commissioners of the fires within his respective district, together with the cause thereof, the property destroyed and its value, the lives lost, if any, and the means used to combat such fire, and any additional facts required by the State Board. Each warden shall co-operate with the warden in the adjoining district, and, in his absence, assume control therein. Each may arrest, without a warrant, any person found violating any provision of this act, and take him before a magistrate and there make complaint; and, when a warden shall have information that such violation has been committed, he shall make similar complaint. Wardens shall go to the place of danger to control or prevent fires, and, in emergencies, may employ or compel assistance, and the compensation for such service compelled shall not exceed two dollars and fifty cents (\$2.50) per day, exclusive of subsistence and reasonable traveling expenses, and such compensation shall be payable for each day in advance on demand.

SEC. 3. It shall be the duty of the fire warden of each fire district to issue written or printed permits during permit season, to any and all persons named in an application to set out fires. Said application shall state the general description of the land upon which it is desired to set out fires and the extent of the slashing or burning desired to be burned. Said permit season shall be from June first to October first of each year. Said permits shall fix the time for setting out fires on any three consecutive days therein named, and not less than ten days from the date of such permit, and such fires shall be set at no time when the wind is blowing to such an extent as to cause danger of same getting beyond the control of the person setting out said fire, or without sufficient help present to control the same, and the said fire shall be watched by the

person setting the fire until the same is out. Upon granting said permit the fire warden shall be present at said proposed burning, or notify at the earliest possible moment some qualified and acting deputy fire warden in the vicinity of said proposed burning to be present thereat, and upon good cause may revoke or postpone said permit upon notice to said applicant.

SEC. 4. From May first to October first of each year, it shall be unlawful for any person, firm or corporation to use any spark emitting locomotive, logging engine, portable engine, traction engine or stationary engine, located in a timber district without the use of a good and efficient spark arrester. Any person, firm or corporation who shall fail to provide and use such a spark arrester upon any such engine, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than twenty-five dollars nor more than one hundred dollars for each day such engine or locomotive is so used.

SEC. 5. Every warden or deputy warden and every person lawfully commanded to assist in enforcing any of the provisions of this act, who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near to forest or prairie land and leave it unextinguished, or be a party thereto; every person who shall use other than incombustible wads for fire arms, or carry a naked torch, fire brand or exposed light in or near to forest land; and every person who shall deface, destroy or remove any abstract or notice posted under this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 6. The period from May first to October first in each year shall be known as the close season, during which time it shall be unlawful for any camper, farmer, logger or other individual, firm or corporation, to set out or cause to be set out, fires in slashings, down or fallen timber, or on timber lands, or in the vicinity of grain fields, for the purpose of clearing land of brush, grass or other inflammable material without first obtaining a permit in writing, or print, from the fire warden of the district as provided in section three of this act, and at no time shall any fire be set out when the wind is blowing to such an extent as to cause danger of the same getting beyond the control of the person setting out such fire, or without sufficient help present to control the same; and the

same shall be watched by the person setting the fire until the same is out. Any person violating any of the provisions of this section shall be punished by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail not less than one month nor more than six months: *Provided*, That this section shall not apply to any person or persons setting out back fires for the purpose of stopping or checking a fire then burning. The fire warden shall keep a complete copy of permits issued.

SEC. 7. Every person, firm or corporation operating a railroad shall keep the ground for fifty feet on each side of the center of the track, or such portion thereof, as may be owned or controlled by such person, firm or corporation, clear of combustible materials, except ties and other materials necessary for the maintenance and operation of the road, from May first to October first of each year. No person, firm or corporation shall permit any of his or its employes to leave a deposit of fire, live coals or ashes in the immediate vicinity of woodland or lands liable to be overrun by fire, and every engineer, conductor, trainman or section man discovering fire adjacent to the track shall report the same promptly at the first telegraph or telephone station reached by him. At the beginning of the close season every such person, firm or corporation shall give his or its employes particular instructions for the prevention and extinguishment of fires, and shall cause warning placards to be conspicuously posted at every station within this State, and when a fire occurs near the line of his or its road shall concentrate such help, and adopt such measures as shall be available for its extinguishment. Any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor and shall be subjected to a penalty of not more than one hundred dollars for each offense and any railroad employe violating the same shall be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than fifty dollars.

SEC. 8. The State Land Commissioner and his assistants, or land appraisers and selectors, game wardens and their deputies and all peace officers of the State are hereby charged with the enforcement of the act and shall have full power to arrest violators of the provisions of this act and deliver them to the nearest magistrate to be dealt with according to law; and it is hereby made the duty of such officers having a knowl-

edge of any violation of the provisions of this act to file complaint in a court of competent jurisdiction against such person.

SEC. 9. For the purpose of carrying out and enforcing the provisions of this act relating to fires in forest areas in this State, and for the prevention and extinguishment of same, the State Board of Land Commissioners are hereby empowered to employ such number of persons, as in their judgment shall be necessary. Such persons so appointed are empowered to arrest any violator of the provisions of this act relating to fires, and deliver him to any probate judge or justice of the peace, of the county where such arrest shall be made.

SEC. 10. Sections 10, 11, 12 and 13 of an act entitled "An act relating to the preservation of the forest trees in the State of Idaho; providing for the sale of timber of lands belonging to the State; defining the duties of game warden, land commissioner, land appraisers and peace officers under this act; prescribing penalties for a violation thereof, and repealing all acts inconsistent herewith," approved on the 8th day of March, 1905, and all acts and parts of acts in conflict herewith, are hereby repealed.

SEC. 11. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved on the 15th day of February, 1907.

SENATE BILL NO. 29.

AN ACT

DECLARING THE ASSENT OF THE LEGISLATURE OF THE STATE OF IDAHO TO ALL THE PROVISIONS, PURPOSES AND GRANTS OF AN ACT OF CONGRESS APPROVED MARCH 16, 1906, ENTITLED "AN ACT TO PROVIDE FOR AN INCREASED ANNUAL APPROPRIATION FOR AGRICULTURAL EXPERIMENT STATIONS AND REGULATING THE EXPENDITURE THEREOF."

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the assent of the Legislature of the State of Idaho be, and the same is hereby, given to all the provisions of an act of Congress, approved June 16, 1906, entitled "An act to provide for an increased annual appropriation for

agricultural experiment stations and regulating the expenditures thereof," and the Legislature of the State of Idaho hereby approves of and assents to the purposes of the grants and appropriations provided for and made by said act of Congress, and hereby agrees to abide by the terms, conditions, requirements and limitations thereof.

SEC. 2. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved on the 15th day of February, 1907.

HOUSE BILL NO. 154.

AN ACT

TO PROVIDE FOR THE PAYMENT OF CLAIMS AGAINST THE STATE OF IDAHO FOR SUPPLIES FURNISHED, SERVICES RENDERED AND EXPENSES INCURRED DURING THE YEARS 1906 AND 1907, ON ACCOUNT OF AND IN CONNECTION WITH THE CRIMINAL PROSECUTIONS BY THE STATE OF IDAHO OF CHARLES H. MOYER, WILLIAM D. HAYWOOD, GEORGE A. PETTIBONE, HARRY ORCHARD AND STEVE ADAMS FOR WHICH EMERGENCY DEFICIENCY CERTIFICATES HAVE BEEN HERTOFORE ISSUED BY THE STATE AUDITOR OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the sum of fifty-four thousand five hundred and sixteen and 94-100 (\$54,516.94) dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of claims and interest thereon, against the State of Idaho out of any moneys in the State treasury not otherwise appropriated, for supplies furnished, services rendered and expenses incurred during the years 1906 and 1907, on account of and in connection with the criminal prosecutions by the State of Idaho of Charles H. Moyer, William D. Haywood, George A. Pettibone, Harry Orchard and Steve Adams, which claims have been approved by the State Board of Examiners and certified to the Legislature for payment, said claims appearing of record according to the books in the office of the State Auditor, and being named and numbered Emergency Deficiency Certificates numbers: 9605; 9606; 9607; 9609; 9855; 10,032; 10,033; 10,035; 10,227; 10,228; 10,417; 10,548; 10,549; 10,892;

10,893; 10,894; 10,895; 11,592; 11,667; 12,307; 12,308; 12,309; 12,310; 12,311; 12,312; 12,313; 12,759; 12,760; 12,761; 12,762; 12,895; 13,396; 13,397; 13,398; 13,399; 13,524; 14,264; 14,265; 14,266; 14,267; 14,268; 14,269; 14,270; 14,271; 14,272; 14,274; 14,915; 14,916; 14,917; 14,918; 14,919; 14,920; 14,921; 14,922; 14,936; 15,035; 511; 512; 513; 514; 516.

SEC. 2. The State Auditor is hereby authorized and required, and it is hereby made his duty upon presentation of said emergency certificates to draw his warrant in favor of the person named in the certificate the number of which is hereinbefore stated for the amount appearing on the face of said certificate, and interest thereon.

SEC. 3. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved on the 18th day of February, 1907.

HOUSE BILL NO. 25.

AN ACT

TO PROVIDE FOR THE RAISING OF REVENUE FOR THE EXTERMINATION OF CRICKETS, GRASSHOPPERS, RODENTS AND RABBITS, AND PROVIDING A FUND FOR THE SAME; AND PROVIDING FOR THE APPOINTMENT OF A BOARD OF CONTROL TO OVERSEE THE EXPENDITURE OF SUCH REVENUE AND THE EXTERMINATION OF SUCH PESTS, AND DECLARING AN EMERGENCY TO EXIST THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The board of county commissioners of any county in this State on the petition of one hundred or more of the taxpayers of the county at the time taxes are levied by them for State and county purposes, may and they are hereby empowered to levy a tax of not exceeding five mills on the dollar of the assessed valuation of all taxable property within such county for the purpose of exterminating crickets, grasshoppers, rodents and rabbits, such tax to be collected in the same manner as other county taxes are collected and to be placed in a fund known as the "Pest Fund."

SEC. 2. The board of county commissioners of any county infected with any such pests shall appoint three men, residents

of the county, who shall constitute the board of control to oversee the extermination of any such pests and the expenditure of the funds provided for herein, and shall each receive for his services, while necessarily engaged in such work such compensation as shall be fixed by the board of county commissioners.

SEC. 3. All claims for services rendered hereunder shall be presented to the said board of control and by them presented and filed with the board of county commissioners, and by said commissioners allowed and paid out of said pest fund in the same manner as other bills against the county are allowed and paid.

SEC. 4. Whereas, an emergency exists therefor, this act shall be in force from and after its passage and approval.

Approved on the 19th day of February, 1907.

SENATE BILL NO. 2.

AN ACT

TO PROHIBIT THE MAKING OR PUBLISHING OF FALSE OR EXAGGERATED STATEMENTS OR PUBLICATIONS OF OR CONCERNING THE AFFAIRS, PECUNIARY CONDITION OR PROPERTY OF ANY CORPORATION, JOINT STOCK ASSOCIATION, CO-PARTNERSHIP OR INDIVIDUAL, WHICH SAID STATEMENTS OR PUBLICATIONS ARE INTENDED TO GIVE, OR SHALL HAVE A TENDENCY TO GIVE, A LESS OR GREATER APPARENT VALUE TO THE SHARES, BONDS OR PROPERTY, OR ANY PART THEREOF OF SAID CORPORATION, JOINT STOCK ASSOCIATION, CO-PARTNERSHIP OR INDIVIDUAL, THAN THE SAID SHARES, BONDS OR PROPERTY SHALL REALLY AND IN FACT POSSESS, AND PROVIDING A PENALTY THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Any person who knowingly makes or publishes in any way whatever, or permits to be so made or published, any book, prospectus, notice, report, statement, exhibit or other publication of or concerning the affairs, financial condition or property of any corporation, joint-stock association, co-partnership or individual, which said book, prospectus, notice, report, statement, exhibit or other publication, shall contain any statement which is false or wilfully exaggerated or

which is intended to give, or which shall have a tendency to give, a less or greater apparent value to the shares, bonds or property of said corporation, joint-stock association, co-partnership or individual, or any part of said shares, bonds or property, than said shares, bonds or property or any part thereof, shall really and in fact possess, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned for not more than ten years or fined not more than ten thousand dollars, or shall suffer both said fine and imprisonment.

SEC. 2. All acts and parts of acts which are in conflict with the provisions of this act, are hereby repealed.

SEC. 3. Whereas an emergency exists, therefore this act shall take effect from and after its passage and approval.

Approved on the 19th day of February, 1907.

SENATE BILL NO. 27.

AN ACT

TO AMEND SECTION TWO OF AN ACT ENTITLED "AN ACT CREATING AND ESTABLISHING THE SCIENTIFIC SCHOOL FUND, PROVIDING THAT MONEYS RECEIVED INTO THE STATE TREASURY FROM CERTAIN SOURCES SHALL BE PLACED IN AND CONSTITUTE SUCH FUND AND APPROPRIATING ALL OF THE MONEYS CREDITED THERETO, DURING THE YEARS 1905 AND 1906, FOR THE SUPPORT AND MAINTENANCE OF THE COLLEGE OR DEPARTMENT OF ARTS OF THE UNIVERSITY OF IDAHO," APPROVED MARCH 6, 1905, AND MAKING PERPETUAL THE OPERATION OF SAID ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section two (2) of the above entitled act is hereby amended to read as follows:

Section 2. That perpetually from and after the first Monday in January, 1907, all moneys which may accrue or be credited and which properly belong to the Scientific School Fund, shall be, and the same are hereby appropriated for the payment of a portion of the cost of supporting and maintaining the college or department of arts of the University of Idaho, and that the same shall be, and they are hereby, made available for such purpose immediately upon their being credited to the said fund.

SEC. 2. Whereas, an emergency exists therefor, this act shall be in force from and after its passage and approval.

Approved on the 19th day of February, 1907.

SENATE BILL NO. 25.

AN ACT

PROVIDING THE RATE TO BE CHARGED FOR ALL OFFICIAL NOTICES REQUIRED BY LAW TO BE PUBLISHED BY ANY COUNTY, STATE, MUNICIPAL OFFICIAL OR OTHER PERSON IN ANY NEWSPAPER IN THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the rate to be charged for all official notices, required by law to be published in any newspaper in this State by any state, county, municipal official or other person, shall be one dollar per vertical inch, single column measure, consisting of not less than ten lines in nonpareil type or its equivalent, or sixty words to the inch, for first insertion; and fifty cents per inch for each subsequent insertion; and for table or figure matter, one dollar and one-half per vertical inch, consisting of not less than ten lines in nonpareil type or its equivalent, and seventy-five cents for each subsequent insertion; fractional inches to be charged for pro rata: *Provided*, That no charge shall be made for less than an inch in any case.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. Whereas, an emergency exists, this act shall take effect from and after its passage.

Approved on the 19th day of February, 1907.

SENATE BILL NO. 28.

AN ACT

TO AMEND SECTION TWO OF AN ACT ENTITLED "AN ACT CREATING AND ESTABLISHING THE AGRICULTURAL COLLEGE FUND, PROVIDING THAT MONEYS RECEIVED INTO THE STATE TREASURY FROM CERTAIN SOURCES SHALL BE PLACED IN AND CONSTITUTE SUCH FUND AND APPROPRIATING ALL OF THE MONEYS CREDITED

THERE TO, DURING THE YEARS 1905 AND 1906, FOR THE SUPPORT AND MAINTENANCE OF THE COLLEGE OR DEPARTMENT OF ARTS OF THE UNIVERSITY OF IDAHO," APPROVED MARCH 6, 1905, AND EXTENDING THE TIME OF THE OPERATION OF SAID ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Section two (2) of the above entitled act is hereby amended to read as follows: -

Section 2. That all moneys which may accrue or be credited and which properly belong to the Agricultural College Fund, during the years 1907 and 1908, shall be, and the same are hereby appropriated for the payment of a portion of the cost of supporting and maintaining the college or department of arts of the University of Idaho during the period beginning on the first Monday in January, 1907, and ending on the first Monday in January, 1909.

SEC. 2. Whereas, an emergency exists therefor, this act shall be in force from and after its passage and approval.

Approved February 19, 1907.

SENATE BILL NO. 58.

AN ACT

TO AMEND SECTION 2976 OF THE REVISED STATUTES OF THE STATE OF IDAHO RELATING TO RECORDS OR INSTRUMENTS AFFECTING THE TITLE TO REAL PROPERTY, AND THE NOTICE TO BE TAKEN THEREOF, AND TO PROVIDE FOR THE USE OF CERTIFIED COPIES THEREOF AS EVIDENCE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 2976 of the Revised Statutes of Idaho be and the same hereby is amended so as to read as follows:

Section 2976. Any instrument affecting the title to real property which heretofore or on or before sixty (60) days after the adjournment of the Legislature of the State of Idaho for 1907, is copied into the proper book of record, kept in the office of any county recorder; imparts notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission, or informality in the execution of the in-

strument, or in the certificate of acknowledgment thereof; but nothing herein affects the rights of previous purchasers or incumbrancers, duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded, provided it be first shown that the original instrument was genuine.

Approved on the 19th day of February, 1907.

SUBSTITUTE FOR SENATE BILL NO. 15.

AN ACT

TO PREVENT THE CARELESS USE OF FIREARMS, TO PROVIDE FOR THE PUNISHMENT THEREFOR AND FOR THE RECOVERY OF DAMAGES OCCASIONED THEREBY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That any person who shall intentionally, without malice, point or aim any fire-arm at or toward any other person, shall be guilty of a misdemeanor, and shall be subject to a fine of not more than fifty (\$50) dollars, and not less than five (\$5) dollars.

SEC. 2. That any person who shall discharge, without injury to any other person, any fire-arm, while intentionally, without malice, aimed at or toward any person, shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one hundred (\$100) dollars, or imprisonment in the county jail not to exceed six months, or both, at the discretion of the court.

SEC. 3. Any person who shall maim or injure any other person by the discharge of any fire-arm pointed or aimed, intentionally but without malice, at any such person, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty (\$50) dollars, or imprisonment in the county jail for a period of not more than one year; and if death ensue from such wounding or maiming, such person so offending shall be deemed guilty of the crime of manslaughter.

SEC. 4. Any party maimed or wounded by the discharge of any fire-arm aforesaid, or the heirs or representatives of any person who may be killed by such discharge, may have an action against the party offending, for damages which shall

be found by a jury, and such damages, when found, may in the discretion of the court before which such action is brought, be doubled.

SEC. 5. An emergency existing therefor, this act shall be in force and effect from and after its passage and approval.

Approved on the 19th day of February, 1907.

SUBSTITUTE SENATE BILL NO. 10.

AN ACT

TO AMEND SECTION ONE OF AN ACT, APPROVED MARCH 14, 1901, ENTITLED "AN ACT AMENDING SUBDIVISION 2 AND 3 OF AN ACT ENTITLED 'AN ACT PROVIDING THE MANNER OF GIVING NOTICE OF SALES UNDER EXECUTION, AMENDING SECTION FOUR THOUSAND FOUR HUNDRED AND EIGHTY-TWO OF THE REVISED STATUTES OF IDAHO,'" APPROVED FEBRUARY 14, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 1 of an act approved March 14, 1901, entitled "An act amending Subdivision 2 and 3 of an act entitled 'An act providing the manner of giving notice of sales under execution, amending Section four thousand four hundred and eighty-two of the Revised Statutes of Idaho,'" approved February 14, 1899, be and the same hereby is amended to read as follows:

Section 4482. Before the sale of the property on execution notice thereof must be given as follows:

1. In case of perishable property, by posting a written notice of the time and place of sale in three (3) public places of the precinct or city where the sale is to take place, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property, by posting a similar notice in three (3) public places in the precinct or city where the sale is to take place for not less than five nor more than ten days before the time set for the sale, or by publishing a copy thereof at least one week, and not more than two weeks, in a newspaper published in the county, if there be one.

3. In case of real property, by posting a similar notice particularly describing the property, for twenty days, in three

(3) public places in the precinct or city where the property is situated, and also where the property is to be sold, and by publishing a copy thereof once a week for the same period before the time set for the sale, in a newspaper published in the county, if there be one. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

Approved on the 19th day of February, 1907.

SENATE BILL NO. 45.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE THE INDEPENDENT SCHOOL DISTRICT OF EMMETTSVILLE, IN ADA COUNTY," APPROVED JANUARY 31, 1885, AND TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF THE INDEPENDENT SCHOOL DISTRICT OF EMMETTSVILLE, AND INCREASING THE NUMBER OF TRUSTEES THEREIN, AND FOR ESTABLISHING AND MAINTAINING HIGH AND GRADED SCHOOL THEREIN AND A SUPERINTENDENT THEREFOR, AND TO PROVIDE FOR CHANGING THE BOUNDARY LINES OF AND ENLARGING SAID DISTRICT, AND ASSESSING AND COLLECTING THE TAXES THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an act entitled "An act to create the Independent School District of Emmettsville, in Ada county," approved January 31, 1885, the same being Section 255 of the Special and Local Laws of Idaho, be and the same is hereby amended to read as follows:

Section 2. There shall be in said district a board of six trustees, and in case of a vacancy in such board a majority of the remaining members may by appointment fill such vacancy. In case of more than two vacancies in such board the county superintendent of schools of Canyon county shall appoint as many persons as may be required to constitute a quorum, and the said board shall then appoint persons to fill the remaining vacancies. Any person so appointed to fill such vacancy shall

hold office under such appointment until the next annual election, at which time such vacancy shall be filled by election to fill out the unexpired term or terms. The regular term of office of such trustees shall be three years, and four of such trustees shall be elected in the year 1907, at the time and in the same manner as school trustees of other independent districts are elected under the general laws of the State of Idaho: *Provided*, That at said election in the year 1907, four of said trustees shall be elected to serve terms as follows: Two for a term of three years; one for a term of two years, and one for a term of one year, and two of said board shall be elected annually thereafter as above stated for a term of three years each.

SEC. 2. Section 5 of said act, the same being Section 258 of the Special and Local Laws of Idaho, is hereby amended to read as follows:

Section 5. The trustees shall, at the first meeting after each annual election, choose one of their number to act as president, who shall preside at all the meetings of the board; they shall also choose, at said time, some competent person clerk of the board, to act during their pleasure and fix his compensation; said clerk shall execute a bond to the district in such sum as shall be required by the board of trustees, conditioned faithfully to perform the duties of his trust and faithfully to account for and pay over, as may be required by the board of trustees or the law, all moneys that may come to his hands as such clerk; and shall also, at the same time, choose one of their number or some other competent person, who shall be a resident taxpayer of the district, treasurer of the district, and shall fix his compensation, and the treasurer shall execute to the district an official bond in such sum as shall be required by the board of trustees, conditioned faithfully to perform the duties of his trust and faithfully to account for and pay over, as may be required by the board of trustees or the law, all moneys that may come into his hands as such treasurer. In the event of a tie vote upon any proposition coming before said board of trustees and in consequence thereof they are not able to come to an agreement thereon, then it shall be the duty of the president of said board to call in the chairman of the board of trustees of the village of Emmett, who shall have the power and whose duty it shall be, to cast the deciding vote on said tie, but otherwise the said chairman of the board of

trustees of said village of Emmett shall have no part in the proceedings of said board.

SEC. 3. Section 6 of said act, the same being Section 259 of the Special and Local Laws of Idaho, is hereby amended to read as follows:

Section 6. Regular meetings of the board of trustees shall be held on the second Monday in each month, and special meetings may be called by the president of the board, or by any two trustees, by personal notice of the time and place of such meeting to each member of the board, or if he cannot be found, by leaving such notice at his place of residence, with some person of suitable age and discretion. Four trustees shall constitute a quorum for the transaction of any business, but a less number may adjourn any regular meeting from time to time until a quorum can be obtained. The board shall make such rules and regulations as it may deem expedient and necessary for its government, and the government of its employees and the pupils, and no meeting of the board not provided for by the rules, or by law, shall be legal, unless all the members thereof have been notified as provided for in this section.

SEC. 4. That Section 19 of said act, the same being Section 272 of the Special and Local Laws of Idaho, is hereby amended to read as follows:

Section 19. The board of trustees of said district shall have the power and it shall be their duty:

1. To make such by-laws, rules and regulations as they may deem expedient and necessary for their own government and the government of the schools of the district, not inconsistent with the provisions of this act.

2. To employ or discharge the superintendent and teachers, mechanics, laborers, or any other employees they may deem necessary and proper, and to fix, allow and order paid their salaries and compensation.

3. To prescribe and fix the rates of tuition for all non-resident pupils of said district: *Provided*, That no non-resident pupil shall be admitted to the schools of said district without paying in advance at least one month's tuition as fixed and determined by said board.

4. To adopt a uniform series of textbooks for the use of the schools of said district, and the text books adopted by said board shall be purchased at the expense of said district

and furnished to the pupils of said district free of charge, under such rules and regulations as the board may establish: *Provided, however,* That said board of trustees shall have power to require the pupils of said district to provide themselves, at their own expense, with stationery, pens, pencils, rulers and other supplies, not covered by the series of text books herein authorized to be adopted.

5. To grade the schools of said district and fix and prescribe the course of study and the exercises therefor, and require all the pupils attending the schools of said district to conform thereto.

6. To provide school furniture, fixtures and apparatus needed or required by the schools of said district, or for the official use of the board of trustees.

7. To rent, repair, remodel and insure the school houses and school property of said district, and to preserve the same for the benefit of the schools of said district.

8. To build and remove school houses and buildings, and to purchase or sell school lots or real or personal property, owned or required by said school district.

9. To suspend or expel pupils from the schools of said district who refuse to obey the rules thereof, and to exclude from all schools of said district all children under five or over twenty-one years of age.

10. To determine the qualifications of the superintendent and teachers who shall be employed, the length of time that school shall be kept, to fix a time for the opening and closing of school, and for the dismissal of primary and other pupils before the regular time for closing the schools, and to provide and require of the superintendent and teachers to be employed by said board, that they shall take and pass such examination as to their qualifications as shall be required or prescribed by the board.

11. To discharge the superintendent or any teacher employed by said board for any cause sufficient to the board, and to terminate such contract and compensation of such superintendent and teacher at any time when the board shall be satisfied that the same is for the best interests of the schools of said district.

12. To require pupils to be furnished with suitable supplies as a condition of membership in the schools of said dis-

trict, other than the regular uniform series of text-books adopted by said board.

13. To exclude from the schools and school libraries of said district all books, tracts or papers of a sectarian nature.

14. To require the superintendent and teachers to conform to the law and the regulations of the board.

15. To control the conduct and protect the morals and health of the pupils while at school, or going to and returning from school.

16. To appoint all necessary officers for the conduct of special and general elections, and fix their compensation.

17. To adjust all claims for illegal or double taxation.

18. To provide and designate as many election districts and polling places in said district for election purposes as may, in the opinion of the board, be necessary, not exceeding six, and it shall be the duty of the clerk to designate said districts and polling places for the elections hereafter to be held in the notice thereof to be given as provided by law. The board shall have power, and it shall be its duty, to designate and appoint three judges of election for each of said polling places, but in the event such judges of election are not present at the opening of the polls then the electors present shall appoint legal voters to fill the vacancy.

SEC. 5. There is hereby added to said act an additional section which shall be known and designated as Section 26, which is as follows:

Section 26. Whenever ten or more persons with the qualifications of electors as provided in said act, in any territory adjacent to said school district, shall present a petition to the board of trustees of said district, praying that a special election be held in said territory for the purpose of annexing said territory to said district, said board of trustees of said independent school district may, if in their discretion the same is deemed advisable and for the best interests of said district, forthwith call a special election in said territory, fixing the date thereof, for the purpose of submitting to the qualified electors thereof the question of annexing said territory to said district. Notice of the time and place of holding said election shall be given in the same manner, and said election shall be conducted in the same manner as is provided for holding elections of trustees in said district, so far as applicable, except that said election shall be held at a place in said territory proposed to

be annexed to be designated by said board. The ballots for said election must contain the words "Annexation, Yes," and "Annexation, No," the voter placing the cross (X) after the name he wishes to vote. If a majority of the votes cast at such election are "Annexation, Yes," then the board shall declare by a resolution that such territory has been annexed and the same shall become a part of said district. And thereafter the persons and property in said annexed territory shall be subject to the same benefits and obligations and burdens as the remainder of said district, and shall become part and parcel thereof, and said independent school district shall become possessed of all the school property, both real and personal, within the territory so annexed and shall assume all the school indebtedness and obligations thereof, and, in the event it becomes necessary to apportion said indebtedness and such school property on account of the division of another school district, or for other cause, then the board of trustees of each of said districts shall appoint a commissioner for that purpose, whose duty it shall be to equitably apportion such property and indebtedness. Such commissioner shall be allowed a reasonable compensation, one-half of which shall be paid by each of said districts. Said commissioner shall report his conclusions in writing to each of said boards and the same shall be final: *Provided*, That an appeal shall lie therefrom to the district court for Canyon county, if the same is taken within twenty days from the filing of such report, by either of said boards.

SEC. 6. There is hereby added to said act six additional sections, which shall be known and designated as Sections 27, 28, 29, 30, 31 and 32, which are as follows:

Section 27. Assessments for the taxes of the Independent School District of Emmettsville shall be made by the county assessor of Canyon county, at the same time that assessments for said State and county taxes are made, and a list of the property in the Independent School District of Emmettsville, and the value thereof, shall be made by the county assessor that the property in said independent school district and the value thereof can be separately shown. On or before the first Monday in July in each year the county assessor of Canyon county shall deliver to the clerk of the board of trustees of said independent school district a statement showing the aggregate valuation of all the taxable property in said independent school district. The board of trustees of said independent school district shall, on or before the first Monday of Au-

gust in each year, determine the rate of the school tax for said district, levy the same by resolution, and shall certify the rate and levy to the assessor of Canyon county. The county commissioners of Canyon county, as a board of equalization, shall have power and it is their duty to equalize the assessment roll for said independent school district at the times and in the manner provided by law for equalizing assessments for State and county taxes. The general school taxes of said district shall be extended on the general roll by the county assessor, in a separate column, at the rate certified by the board of trustees of said district, at the time the said State and county taxes are extended, and the whole taxes shall be carried into a column of aggregates and shall be collected by the county assessor and tax collector of Canyon county, at the times and in the manner provided by law for collecting State and county taxes, and the assessor and tax collector of Canyon county shall have the same powers conferred upon him respecting the collection of said school taxes for said independent school district and sale of delinquent property as are conferred respecting the collection of State and county taxes. All county officers of Canyon county entrusted with the assessment, collection, paying over and custody of said school taxes for said district, and their sureties shall be liable upon their official bonds for the faithful performance of their duties in the assessment, collection and safe keeping of said school taxes. The county assessor and tax collector of Canyon county shall furnish and give a good and sufficient bond in the amount to be fixed by the board of county commissioners of Canyon county, as a protection to said Independent School District of Emmettsville. Said bonds shall run to said Independent School District of Emmettsville and shall have therein provided the same conditions, requirements and penalties as are provided in the bond of said official as such county assessor.

Section 28. It shall be the duty of the assessor and tax collector of Canyon county to pay over to the treasurer of said Independent School District of Emmettsville all moneys collected by him on account of said school taxes as fast as collected, and on or before the third Monday in July of each year to make a final settlement with said treasurer respecting said school taxes and pay over all moneys then due said district, including also said district's proportionate amount or delinquent school taxes, interest and costs on all tax sales and redemptions therefrom. The treasurer of said school district

shall give to the assessor and tax collector of said Canyon county, duplicate receipts for such payments, and the said assessor and tax collector of Canyon county shall give one to the clerk of said district and the other shall be an acquittance to such county assessor and tax collector in settling with the clerk of said independent school district, to the extent of the payment shown.

Section 29. All school taxes levied and assessed under the provisions of this act shall become due and delinquent and shall attach to and become a lien on the real property assessed, at the same time as State and county taxes; all the provisions of the general revenue laws of Idaho governing and in aid of assessing and collecting State and county taxes, are hereby made applicable to the assessment and collection of said school taxes for said independent school district, wherever the same are not inconsistent with the provisions of this act. The Independent School District of Emmettsville shall pay to said Canyon county one and one-half per cent. on the amount of school taxes collected, and such payment shall be in full for the services and compensation of the county assessor and tax collector, and all county officers in assessing, collecting, equalizing and paying over said school taxes.

Section 30. That all parts of said act creating the Independent School District of Emmettsville of which this is amendatory, relating to the assessment and collection of school taxes which are inconsistent with this act are hereby repealed.

Section 31. No general laws of the State or any amendment that may be made thereto, shall have the effect to alter or amend this special law or any of the provisions thereof, providing for or relating to the Independent School District of Emmettsville, when inconsistent therewith, unless the act, enacting said general laws, clearly expresses such intention by direct reference to the special and local laws of said Independent School District of Emmettsville.

Section 32. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage: *Provided, however,* That the present board of trustees of said independent school district, and the clerk and treasurer thereof, shall have all the powers and shall perform all of the duties devolving upon the board of trustees, clerk and treasurer provided for by this act, until the next election of trustees in the year 1907.

Approved on the 19th day of February, 1907.

SENATE BILL NO. 19.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT RELATING TO FOREIGN CORPORATIONS DOING BUSINESS IN THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That an act entitled "An act relating to foreign corporations doing business in the State of Idaho," approved February 8, 1905, be and the same is hereby repealed.

SEC. 2. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved on the 21st day of February, 1907.

SENATE BILL NO. 57.

AN ACT

AMENDING SECTION 3843 OF THE REVISED STATUTES OF THE STATE OF IDAHO, RELATIVE TO HOLDING TERMS OF THE PROBATE COURTS AND PROBATE BUSINESS THEREIN.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 3843 of the Revised Statutes of the State of Idaho be and the same hereby is amended to read as follows:

Section 3843. The terms of the probate courts in the several counties for the transaction of probate business, except that specially authorized by law to be done in vacation, must be held on the fourth Monday in each month. Any decision, decree or order may be made or rendered by said court at any time without regard to term time. For the transaction of all civil, other than probate business, and all criminal business, these courts are always open.

SEC. 2. An emergency existing therefor this act shall be in force from and after its passage and approval.

Approved on the 21st day of February, 1907.

HOUSE BILL NO. 48.

AN ACT

TO CREATE, ORGANIZE AND GOVERN THE COUNTY OF TWIN FALLS IN THE STATE OF IDAHO, TO DEFINE THE BOUNDARIES THEREOF; TO CLASSIFY SAID COUNTY AND LOCATE ITS COUNTY SEAT; TO PROVIDE FOR THE APPOINTMENT AND SERVICE OF OFFICERS, THE MAKING, TRANSCRIBING, TRANSFER AND LEGALIZING OF RECORDS AND THE CREATION OF REVENUE FOR SAID NEW COUNTY; THE TRANSFER OF ACTIONS, PLEADINGS, FILES, RECORDS, PAPERS AND OTHER MATTERS TO AND THE HOLDING OF COURTS IN SAID COUNTY; THE APPORTIONMENT AND ADJUSTMENT OF INDEBTEDNESS AND PROPERTY BETWEEN SAID COUNTY AND THE COUNTY OF CASSIA; THE PLACING OF SAID TWIN FALLS COUNTY IN JUDICIAL, SENATORIAL, AND LEGISLATIVE DISTRICTS; FOR THE REPEAL OF CONFLICTING ACTS; AND TO DECLARE AN EMERGENCY WHEREBY THIS ACT SHALL BE IN EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That there is hereby created and formed out of a portion of the existing county of Cassia in the State of Idaho, a new county to be named and called Twin Falls county, which new county shall be organized and governed as provided by this act and the general laws of the State, relating to the organization and government of counties.

SEC. 2. That all that portion of the State of Idaho contained within the following boundaries, to-wit: Commencing with the intersection of the middle of the channel of the Snake river with the north and south center line of section twenty-eight (28), in township ten (10), south, of range twenty-one (21), east of the Boise Meridian, running thence south on said center line of said section twenty-eight (28), to the point of intersection of the north line of the right of way of the Minidoka and Southwestern Railroad Company, which point is one hundred (100) feet distant, at right angles, from the center of the main track of the line of road of said railroad company as the same is now located, running thence in a southwesterly direction along the north line of said railroad right of way to a point where said line intersects the south line of the canal right of way of the Twin Falls Land and Water Company, which point of intersection is one hundred (100)

feet distant, at right angles, from the center line of the main canal of said Twin Falls Land and Water Company, running thence south to the south line of section thirty-six (36), in township ten (10), south, of range twenty (20), east of Boise Meridian, thence west to the southwest corner of said section thirty-six (36), thence south on the section lines to the south line of township eleven (11), thence west to the southeast corner of township eleven (11), south, of range eighteen (18), east of the Boise Meridian, thence south on the range lines to the south line of the State of Idaho, thence due west along the south line of the State of Idaho, to the thirty-eighth Meridian of longitude west from Washington, thence north along said meridian to the intersection of the center of the main channel of the Snake river, thence up the center of the main channel of said Snake river to the point of beginning, be and the same is hereby organized into and declared to be the county of Twin Falls, and, for the purpose of fixing the annual salaries of the county commissioners, said county of Twin Falls is designated as a county of the third class; and the county seat of said last named county is hereby located and declared to be at the village of Twin Falls.

SEC. 3. The Governor of the State of Idaho is hereby authorized and directed to appoint, and shall do so within ten days after the approval of this act, for said county of Twin Falls, three county commissioners, a sheriff, a clerk of the district court who shall be *ex-officio* auditor and recorder, a county treasurer who shall be *ex-officio* public administrator, a county assessor who shall be *ex-officio* tax collector, a coroner, a surveyor, a probate judge, a county superintendent of public instruction, and a prosecuting attorney, all of which officers shall qualify according to law and enter upon the discharge of their official duties within twenty days from the date of their appointment and shall hold their respective offices for the full time and terms for which they would hold had they been elected at the general election of the year 1906 and until their successors are elected and qualified as provided by law. A vacancy existing in any of said offices after the expiration of ten days from the approval of this act shall be filled in the manner provided by the statutes of the State relating to vacancies.

SEC. 4. The county commissioners of said Twin Falls county shall provide suitable offices and places at said village of Twin Falls for the accommodation and safe keeping of the

papers, files, records and other personal property belonging to said county or connected with any of the officers therein and for the proper use of the county officers of said county and for the holding of the district court.

SEC. 5. The county commissioners of said Twin Falls county shall, within five days after their qualification, meet at the village of Twin Falls and organize for the transaction of county business and shall at said meeting establish precincts for said county and appoint officers therefor who shall hold their respective offices from the time of their qualification until their successors are elected and qualified: *Provided, however,* That where at the general election of the year 1906 officers were elected in precincts as heretofore established in said territory while the same was a part of Cassia county, such officers shall continue in office for such part or all of their respective precincts as said board of county commissioners may prescribe, during the full term for which they were elected.

SEC. 6. Within ten days after the qualification of the county commissioners of Twin Falls county, the board of county commissioners of said county and of the county of Cassia, respectively, shall meet and each of said boards shall appoint a competent accountant. Said accountants shall constitute an auditing board and board of appraisers and shall, within five days after their appointment, meet at the village of Albion in Cassia county and after taking the usual oath of office shall then and there proceed to ascertain from the county records the whole amount of indebtedness, if any, of said Cassia county, as said county existed prior to the division thereof as herein made, and shall make statement and determine the value of all of the public property belonging to Cassia county and report thereon, and compute from the assessment roll of said county for the year 1906 the total taxable property of each of said counties, and determine the amount of money in the possession or under the control of the county treasurer of said Cassia county, including school moneys and school funds and money belonging to municipal corporations located within the territory of said new county, and shall make full statement and report of all of said matters and of all other matters proper to be audited and reported upon in order to make a full and satisfactory adjustment and settlement between said counties, with their conclusion as to the amount due from the one county to the other upon the settlement of such

indebtedness, if any, and of such public property and for and on account of the money in the hands or under the control of the county treasurer as aforesaid, and file a copy of all such statements, reports and conclusion with the board of county commissioners of each of said counties. The indebtedness of said county of Cassia, if any, and the value of the public property of said county, as determined in the manner provided in this act, and all moneys belonging to the general funds of the county, shall be apportioned between said counties in proportion to the assessed valuation of the taxable property of said counties as shown by the assessment roll for the year 1906. In the event of a disagreement between said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a third competent person to assist them and the decision of any two shall control. Either of said counties, may, if dissatisfied with the statements, reports or conclusions of said accountants, appeal to the district court of said Cassia county. For whatever amount is found to be due from either of said counties to the other in the manner above provided, the board of county commissioners of the debtor county shall cause county warrants to be drawn by the county auditor of said county for the amount so due, payable to the creditor county. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in the event of a third one being employed one-half of his compensation shall be paid by each of said counties.

SEC. 7. As soon as practicable after the passage of this act, the county recorder of Cassia county shall transcribe, or cause to be transcribed from the records of his office, into permanent records, in a neat and proper manner and clearly written with pen and ink or with a typewriter with indelible ink, all instruments, papers and other matters and things relating to or affecting property in the territory included in said county of Twin Falls. When any of said records are completed said county recorder shall certify therein as to the identity and correctness of said record and deliver the same into the possession of the county recorder of said Twin Falls county. Said records when so prepared and certified shall be official records of said Twin Falls county as to all property, matters and things to which they refer or which they effect, and shall have the same force and effect as the originals. The county commissioners of Twin Falls county shall employ competent persons to pre-

pare proper indexes for said new records, and the actual cost of such transcribing and indexing shall be audited and paid by the said county of Twin Falls. Any of the records, instruments, documents, maps, plats, tax sale certificates, or other papers of Cassia county which relate wholly to and cover property located entirely in Twin Falls county shall be certified to by the officer of said Cassia county in whose proper possession they now are, and by him turned over to the proper officer of Twin Falls county without being transcribed and shall become and be a part of the public records of said last named county.

SEC. 8. The county assessor of Cassia county shall, immediately upon the taking effect of this act, proceed to make and certify to a copy of all of the tax rolls of his office so far as they show the unpaid taxes against persons, firms, associations, corporations, and property in the territory included in the county of Twin Falls and as soon as completed shall deliver said copy to the county assessor of the county last named and said copies of the tax rolls shall be official records of said last named county with the same force and effect as the originals thereof and the same shall be authority for the tax collector of said Twin Falls county to collect said unpaid taxes in any manner authorized by law.

SEC. 9. The county treasurer of Cassia county shall, as soon as the county treasurer of Twin Falls county is qualified to act, pay over to the county treasurer of said last named county all school money in his hands belonging to the district schools and independent school district in Twin Falls county which has come into his possession or under his control from taxes or other revenues collected up to the time of the taking effect of this act, and shall also pay to the municipal corporations in said last named county all funds in his hands belonging to such municipal corporations.

SEC. 10. Said county of Twin Falls shall be included in and form a part of the Fourth Judicial District of the State of Idaho, and the terms of the district court for said county shall be fixed by the judge of said court in the manner now provided by law for fixing terms of the district court in this State, and all actions and proceedings now pending in the district court of Cassia county, the causes of which arose in the territory included in Twin Falls county and which should have been brought in said last named county had said county at

the time existed, shall be transferred to said Twin Falls county.

SEC. 11. Upon the written application of a party interested in any of said actions or proceedings, his agent or attorney, the judge of said district court shall sign, in duplicate, an order directing the transfer of the actions or proceedings specified in said applications, one of which orders shall be filed with the clerk of the district court of each of said counties.

SEC. 12. Upon the filing with him of said order for transfer the clerk of the district court of Cassia county shall immediately transmit to the clerk of the district court of Twin Falls county all the pleadings and other papers belonging to the files of each case so transferred, excepting such order of transfer, and shall make out and include therewith a transcript of all the record entries of the proceedings and orders had and entered in said case, and an itemized statement of all costs and fees taxed or claimed therein, and shall send with said files, transcript and statement his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 13. Upon the receipt by him of the papers in the actions so transferred, the clerk of the district court of Twin Falls county shall file the same and docket said cases in the same manner as though they had been originally commenced in his county, and shall charge therefor no fee, but in all filings and proceedings subsequent thereto he shall charge and collect the fees provided by law.

SEC. 14. Upon the request of a person interested in any action so transferred, his agent or attorney, the clerk of the district court of Twin Falls county shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said action as shown by the said transcript thereof.

SEC. 15. As soon as practicable after the taking effect of this act the clerk of the district court of Cassia county shall transmit to the clerk of the said court of Twin Falls county the pleadings and all other papers belonging to the files in all actions or proceedings in the district court of Cassia county wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests

lying wholly in the territory now included in Twin Falls county, with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate specifying and identifying said pleadings and papers. Where said real estate, water rights or mining interests lie partly in both of said counties, the clerk of the district court for Cassia county shall make and transmit to the clerk of the district court of Twin Falls county, with the transcript of such orders, judgments, decrees and other proceedings, duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office. For the making of such transcripts said clerk shall receive a reasonable compensation to be paid by Twin Falls county.

SEC. 16. Upon receipt by him of the papers and transcripts mentioned in section 15 of this act, the clerk of the district court of Twin Falls county shall file and index the same, and, upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office the orders, decrees, judgments and other proceedings so entered in Cassia county as shown by the transcripts thereof.

SEC. 17. Upon the taking effect of this act the clerk of the district court of Cassia county shall prepare a list and statement of all the judgments for the payment of money entered or filed in his office at any time since the first day of January, 1905, which shall show the names of the parties to each suit, the judgment defendants, the dates and the amounts of the several judgments with the rate of interest each bears and the amount of all costs accrued in each, and shall certify the same to the clerk of said court for Twin Falls county. The clerk of said last named county, upon receipt of such lists and statement shall make record of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the clerk of Twin Falls county, and all liens created thereby and existing at the time of the passage of this act shall continue and be preserved against the same property and for the same length of time as though this act had not been passed.

SEC. 18. The probate judge of Cassia county shall, upon the taking effect of this act, transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his

office which came from the territory now embraced in the county of Twin Falls and properly belonging to said last named county, and shall transmit to the probate judge of Twin Falls county all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates, or matters, with certified transcripts of all record entries therein; and the preceding sections of this act relating to the transfer of actions in the district court shall, as far as applicable, govern transfer in the probate court, except that such transfers shall be made without any application therefor being required.

SEC. 19. That all of the papers, files, statements, transcripts and other records, matters and things transferred from Cassia county, or any of the officers thereof, to Twin Falls county, or any of the officers thereof, pursuant to the provisions of this act, are hereby declared to be a part of the legal and official records of said last named county to the same extent and effect as the originals thereof and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 20. Twin Falls county shall constitute the Twenty-second Senatorial District of the State and shall be entitled to elect one Senator, and shall also be entitled to elect one member of the House of Representatives.

SEC. 21. All laws of a general nature applicable to the several counties of this State and to the officers thereof are hereby applied to the county of Twin Falls and to all of the officers who may be appointed or elected therein except as otherwise provided in this act.

SEC. 22. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 23. Whereas, an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved on the 21st day of February, 1907.

HOUSE BILL NO. 43.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF BONNER AND TO DEFINE THE BOUNDARIES THEREOF, AND TO DEFINE THE BOUNDARIES OF KOOTENAI COUNTY; TO FIX THE COUNTY SEAT OF SAID BONNER COUNTY, TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTED-

NESS OF KOOTENAI COUNTY BETWEEN KOOTENAI COUNTY AND BONNER COUNTY, TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID BONNER COUNTY AND FOR TRANSCRIBING THAT PORTION OF THE RECORDS OF KOOTENAI COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN BONNER COUNTY, AND TO CONSTITUTE THE COUNTY OF BONNER A PART OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, AND FOR OTHER PURPOSES AND DECLARING AN EMERGENCY THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That there shall be and there is hereby created and formed out of the northern part of Kootenai county, in the State of Idaho, a new county to be called Bonner county, to be organized as hereinafter provided.

SEC. 2. All that portion of the present county of Kootenai, State of Idaho, included within the following boundaries, to-wit: Commencing at a point where the township line between townships fifty-three (53) and fifty-four (54) north, in the State of Idaho, intersects the boundary line between the State of Idaho and the State of Washington; thence east on said township line between townships fifty-three (53) and fifty-four (54) north to the northeast corner of township fifty-three (53) north of range three (3) west Boise Meridian; thence north on the range line between sections thirty-six (36) and thirty-one (31) to the northeast corner of section thirty-six (36) township fifty-four (54) north of range three (3) west Boise Meridian; thence due east six (6) miles to the northeast corner of section thirty-six (36), township fifty-four (54) north of range two (2) west Boise Meridian; thence south along the range line between ranges one (1) and two (2) to the northeast corner of township fifty-two (52) north of range two (2) west Boise Meridian; thence east on the township line between townships fifty-two (52) and fifty-three (53) north in the State of Idaho, to the present county line between Kootenai and Shoshone counties; thence north along the west boundary line of Shoshone county to the northwest corner thereof; thence in an easterly direction along the summit of the Coeur d'Alene range of mountains to the west line of the State of Montana; thence north along the boundary line between the States of Idaho and Montana to the intersection of the international boundary line between the United States of America and Canada; thence west along said international boundary

line to the northwest corner of the State of Idaho; then south along the boundary line between the State of Idaho, and the State of Washington to the place of beginning; shall be and hereby is created into the county named and to be known as the county of Bonner, and to be organized as herein provided.

SEC. 3. All that portion of Kootenai county, within the State of Idaho, not embraced within the boundaries of the county of Bonner, as defined in section two (2) of this act, shall remain and constitute the county of Kootenai.

SEC. 4. The Governor of the State of Idaho is hereby authorized and directed forthwith when this act becomes effective, to appoint for the county of Bonner, the following officers, to-wit: Three county commissioners; one sheriff, one clerk of the district court, who shall be ex-officio auditor and recorder and clerk of the board of county commissioners; one county treasurer, who shall be ex-officio public administrator; one county assessor, who shall be ex-officio tax collector; one coroner; one surveyor; one probate judge; one superintendent of public instruction, and one prosecuting attorney, of whom the recorder shall first qualify, and the other officers so appointed shall immediately thereafter qualify in the manner now provided for by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices and discharge the duties thereof until their successors are elected, as is or may hereafter be, provided by law. And the territory of the said Bonner county for judicial purposes and the enforcement of the laws against crime, shall be deemed to belong to the territory of the county of Kootenai, until the officers of Bonner county have been appointed and qualified as hereinbefore provided.

SEC. 5. The temporary county seat of said county of Bonner, shall be after the establishment of the county, located at and within the corporate limits of the present village of Sandpoint. And at the general election held in 1908, a vote as provided by law shall be had as to location of the permanent county seat of said Bonner county.

SEC. 6. The bonded indebtedness of the county of Kootenai existing at the time this act takes effect shall be paid by the counties of Kootenai and Bonner as follows:

The county of Kootenai shall pay an amount of such indebtedness equal to the value of all the property belonging

to and remaining permanently within the county of Kootenai after the creation of Bonner county, including county buildings, court house, jail, fixtures, vaults, furniture, poor farm, buildings and improvements thereon together with all real and personal property so belonging as aforesaid to Kootenai county, except money, credits and unpaid taxes, (less the value of all similar and corresponding property falling within the county of Bonner) which value is to be ascertained in the manner hereinafter provided. Of the balance of such bonded indebtedness the counties of Kootenai and Bonner shall each pay an amount in proportion to their respective valuation as shown by the general assessment for their portions of the property within the county of Kootenai subject to assessment for the year of 1906. And the county of Kootenai shall have, own and retain all such property remaining permanently within its boundaries, after the creation of Bonner county, and any such property remaining within the boundaries of Bonner county, after its creation, shall in like manner belong to and be retained by Bonner county.

The floating indebtedness of Kootenai county existing at the time of the creation of Bonner county as represented by outstanding warrants and orders unpaid, shall be paid as follows:

All the moneys belonging to Kootenai county in the possession of, or under control of the treasurer, of other officers of said county, including all unpaid taxes levied prior to the creation of Bonner county, (except school and road district, village, or other municipal funds) shall be applied upon the payment of said outstanding and floating indebtedness represented by such unpaid warrants and orders, and if sufficient to pay the same the remainder of such money, credits and taxes shall be divided, distributed and apportioned between the counties of Kootenai and Bonner upon the basis of their respective valuation as heretofore before provided. If said money, credits and taxes shall be insufficient to pay said floating indebtedness such deficiency shall be met, provided for and paid by said counties in proportion to their respective valuation as follows: The county commissioners of Bonner county shall, at their first regular meeting, cause county warrants of their county to be drawn in favor of Kootenai county and delivered to the county treasurer of Kootenai county in payment of the amount of such floating indebtedness due from Bonner county, as hereinafter provided to be ascertained, and Kootenai county

shall then pay the entire amount of such outstanding warrants, indebtedness and Bonner county shall then be released therefrom.

SEC. 7. For the purpose of ascertaining the value of the property belonging to each of the counties of Kootenai and Bonner, and the proportion of the indebtedness of the county of Kootenai, to be met and paid by each of said counties, the board of county commissioners of said counties at the first meeting next following the establishment of Bonner county, shall each appoint a competent appraiser, who shall within five (5) days after the appointment, meet at the county seat of Kootenai county, and take the usual oath of office, and proceed then and there, to ascertain and appraise and honestly and impartially determine the present value of the county buildings, jail, court house and permanent fixtures, furniture, safes, vaults and all other personal and real property belonging to and remaining permanently within the county of Kootenai, as well as any similar and corresponding property falling within the territory of Bonner county and to make and file with the chairman of the board of county commissioners of each of the counties a report and certificate of such appraisal in writing over their respective signatures; and such appraisal when so made and certified shall be final and conclusive and be such evidence of the same; *Provided*, That if such appraisers cannot agree as to the value of the county property and the things to be determined by them, the Governor shall appoint one disinterested citizen of Idaho, who shall be neither a resident of nor an owner of taxable property in either of the counties interested, who after taking the same oath of office, shall act with said appraisers and the concurrence of a majority of said board of three, thus constituted, in such report and certificate, shall be decisive.

In making such appraisal, said appraisers shall consider the cost of such county buildings and other property and allow for subsequent wear and depreciation thereof, and determine the present value thereof to the county.

SEC. 8. Said appraisers shall also, at the same time and place, together with the one appointed by the Governor, if necessary, itemize, ascertain and determine all the money, credits and funds, including an estimate of unpaid delinquent taxes heretofore levied, in the county treasurer's hands or in the hands of any other officer belonging to Kootenai county at said time, or likely to come into his or their hands hereafter,

(exclusive of all funds belonging to school and road districts, villages and other municipalities located within either of said counties) as shown by the books in the auditor's and treasurer's office of Kootenai county and also to determine the amount of floating indebtedness of Kootenai county at said time as represented by the unpaid outstanding warrants and orders, and shall make and file a report and certificate showing the same in the same manner and with like effect as in the case of the bonded indebtedness.

Said appraisers shall be allowed a reasonable compensation for all of their services rendered under the provisions of this act, to be audited and allowed by the board of county commissioners of each county equally.

SEC. 9. All money and funds in the hands of the county treasurer or any other officer of Kootenai county, at the time of the creation of Bonner county, belonging to any school or road district, village or other municipality, located within the county of Bonner, shall not be taken into consideration in making the appraisement provided for hereinbefore, but the same shall be paid over to the treasurer of the county of Bonner to the credit of such school or road district, village or other municipality, within thirty days after the creation of Bonner county and all money and funds coming thereafter into the hands of the treasurer or any other officer of Kootenai county from delinquent and unpaid taxes levied prior to the creation of Bonner county, or from any other source belonging to any school or road district, village or other municipality located within the county of Bonner shall be immediately paid to the treasurer of Bonner county, for the benefit and to the credit of such school and road district, village or municipality.

SEC. 10. The creation of Bonner county as hereinbefore provided shall not affect in any manner the collection of any unpaid tax upon any property within its territory for the current expenses of Kootenai county, or for any other purpose, or for any school or road district, village or other municipal taxes, or for any special tax for any purpose whatsoever levied prior to the creation of Bonner county; and all such unpaid taxes shall be collected and payment thereof enforced by the officers of Kootenai county in the same manner and with the same effect as if the territory of the county of Bonner had remained and continued a part of the county of Kootenai; and any and all moneys thus collected shall if wholly be-

longing to Kootenai county be apportioned and divided as in the manner provided for in section six of this act, between the counties of Kootenai and Bonner; and all funds levied prior to the creation of Bonner county for the benefit of any school or road district, village or other municipality within Bonner county, shall be paid directly and immediately by the county treasurer of Kootenai county without division as provided hereinbefore.

SEC. 11. The county commissioners of Bonner county shall make provision for the payment of any bonded indebtedness which may be apportioned to them under the provisions of this act, by levy and taxation at the time fixed by law for so doing, and in the same manner as the county commissioners of Kootenai county should or could have done. And such tax, when levied and collected by the officials of Bonner county shall be immediately paid by the tax collector of Bonner county, to the county treasurer of Kootenai county, who shall give to the tax collector of Bonner county proper receipts therefor, and such money shall be, by Kootenai county, applied to the payment of the indebtedness for which it was levied and collected by Bonner county.

SEC. 12. The recorder of Kootenai county shall, within ninety days after the establishment of the county of Bonner, transcribe all matters of record from the record books of Kootenai county, that should be of record in Bonner county, into suitable books, to be provided by Bonner county, and deliver the same to the recorder of Bonner county, and when so transcribed and delivered they shall be the official records of all property and other matters to which they refer and shall have the same force and effect as the original.

The county of Bonner shall pay to the county of Kootenai eight cents per folio as compensation for transcribing said records, including indexing and certifying of said records. Said accounts to be audited and allowed by the commissioners of Bonner county, as other proper accounts against said county.

SEC. 13. The county of Bonner shall constitute the Twenty-third Senatorial District of the State, and be entitled to one Senator, and shall have one Representative in the House of Representatives, until such time as the representation shall be fixed by a general apportionment act.

SEC. 14. All actions, prosecutions and legal proceedings which shall be pending in the district court and probate court

of Kootenai county, after the establishment of Bonner county, affecting persons and property within Bonner county, shall be prosecuted and maintained in Bonner county, and all further proceedings had therein shall be in Bonner county the same as if originally commenced in that county.

SEC. 15. The county of Bonner is hereby declared to be within and a part of the First Judicial District of the State of Idaho. And the terms of the district court for said county shall be fixed by the judge of the said First Judicial District in the manner now provided by law for fixing terms of the district courts in this state.

SEC. 16. All organized and existing schools and road districts, villages and other municipalities the whole of which are included in the territory of Bonner county, created as herein provided, shall continue to be organized school and road districts, villages and municipalities as the case may be, and become and be a part of said Bonner county, and the officers thereof including all precinct officers, shall continue to be such and shall hold their offices until their successors are elected, appointed or qualified as the case may be. In case the boundary line between the counties of Kootenai and Bonner shall divide any established precinct, school or road district, all such fractions of former precincts, school or road district, shall be deemed to be unorganized territory, and it shall be the duty of the county commissioners of the county in which such fractions are situated to attach such fractional parts of former precincts, school or road district to adjoining precincts, school or road districts in their county as they may determine to be best, and in the case of a school district to attach the same to another district in the county, or create it a new district as a majority of the legal voters thereof may petition, and all money and property which shall belong to any school or road district which shall be divided shall be apportioned to the different parts thereof by the appraisers appointed as provided by section 7 of this act and according to the assessed valuation of such school or road district.

SEC. 17. All laws of a general nature applicable to the several counties of this State, and the officers thereof, are hereby made applicable to the county of Bonner.

SEC. 18. All acts and parts of acts inconsistent with this act, are hereby repealed so far as they conflict with the provisions of this act.

SEC. 19. Whereas an emergency exists, this act shall take effect and be in force from and after the 18th day of March, A. D. 1907.

Approved on the 21st day of February, 1907.

HOUSE BILL NO. 144.

AN ACT

TO AMEND SECTION 288 OF THE REVISED STATUTES OF 1887 OF THE STATE OF IDAHO, AND PROVIDE FOR THE CONTINUANCE IN OFFICE OF NOTARIES PUBLIC THE COUNTIES OF WHOSE RESIDENCE ARE CHANGED BY THE CREATION OF A NEW COUNTY OR A CHANGE IN THE BOUNDARY OF A COUNTY, OR IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL TAKE EFFECT UPON ITS PASSAGE AND APPROVAL.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 288 of the Revised Statutes of 1887 of the State of Idaho be and the same is hereby amended to read as follows:

Section 288. Every person appointed as notary public must at the time of his appointment be an elector of the county for which he is appointed, and must continue to reside in such county; *Provided, however,* That when by the creation of a new county, or a change in the boundary of a county, or in any other manner a notary becomes a resident of a county other than that of his appointment, he may hold his office for the county in which his residence may be, without further appointment, for the remainder of the term covered by his commission.

SEC. 2. Upon the application of any notary, the county of whose residence is changed as mentioned in Section 1 of this act, and the payment of a fee of one dollar, the Secretary of State shall issue to such notary a certificate, in duplicate, of the facts and showing the authority of the notary to act in the county of his residence, one of which certificate shall be filed in the office of the clerk of the district court of said county. Such notary shall thereupon procure and thereafter use a new seal to be engraved as is now required by law.

SEC. 3. Whereas an emergency exists this act shall be in force from and after its passage and approval.

Approved on the 21st day of February, 1907.

HOUSE BILL NO. 111.

AN ACT

AMENDING SECTION FOUR OF AN ACT APPROVED MARCH 9, 1905, ENTITLED "AN ACT TO AMEND SECTION FOUR OF AN ACT ENTITLED, 'AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS,'" APPROVED FEBRUARY 6, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section four of the above entitled act be amended to read as follows:

"Section 4. Said Board shall issue state certificates and state diplomas to those persons, only, who possess good moral character and who shall have passed a thorough examination in all the branches included in the course of study prescribed for the public schools of the State, didactics and such other branches as the board may direct: *Provided*, That in no case shall a state certificate be granted unless the applicant has been successfully engaged in teaching for at least three years and can furnish the board satisfactory evidence of his or her ability to instruct and properly manage any school in the State, and who holds at that time a valid first grade county certificate. Such certificate shall authorize the person to whom it is issued, to teach in any public school in the State for a term of eight years from and after the date of its issue, unless sooner revoked by the State Board of Public Instruction; and, *Provided further*, That in no case shall a state diploma be granted, unless the applicant has been successfully engaged in teaching for a term of at least five years, two of which shall have been in the State of Idaho, and can furnish the Board satisfactory evidence of his ability to instruct and properly manage any school in the State, and who holds at that time a valid state certificate. Such diploma shall authorize the person to whom it is issued to teach in any public schools in the State during the lifetime of the holder, unless revoked by the State Board of Public Instruction: *Provided*, The board may issue certificates to persons holding state diplomas from other states

requiring similar qualifications. Every person before receiving a state diploma shall pay to the State treasurer the sum of ten dollars, and every person before receiving a state certificate shall pay to the State Treasurer the sum of five dollars for the use of the teachers' institute fund; and said Board shall require the receipt of said Treasurer before issuing said diploma or said certificate.

The teachers' institute fund shall be used to aid teachers' institutes and shall be divided pro rata among the several counties of the State by said Board; and upon demand of said Board, the State Auditor shall draw his warrant upon the State Treasurer, payable to the county superintendent of public instruction of the several counties."

Approved on the 22nd day of February, 1907.

HOUSE BILL NO. 42.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE BOISE CITY, IN ADA COUNTY," (APPROVED JAN. 11, 1866) AND TO AMEND AN ACT ENTITLED "AN ACT AMENDING THE CHARTER OF THE CITY OF BOISE; AMENDING SECTIONS 3, 5, AND 9 OF AN ACT INCORPORATING THE CITY OF BOISE, APPROVED JAN. 11, 1866, BEING SECTIONS 130, 132 AND 138 OF THE SPECIAL AND LOCAL LAWS OF IDAHO," (APPROVED FEB. 21, 1899) AND TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO INCORPORATE BOISE CITY IN ADA COUNTY,' (APPROVED JAN. 11, 1866), AND TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 3, 5 AND 9, OF AN ACT INCORPORATING THE CITY OF BOISE, APPROVED JAN. 11, 1866, BEING SECTIONS 130, 132 AND 138 OF THE SPECIAL AND LOCAL LAWS OF IDAHO," (APPROVED FEB. 21, 1899), AND THEREBY PRESCRIBE AND DEFINE THE POWERS AND DUTIES OF CERTAIN OFFICERS OF SAID CITY, AND TO PROVIDE FOR THE ASSESSING AND COLLECTING OF CITY TAXES BY THE COUNTY ASSESSOR AND TAX COLLECTOR OF ADA COUNTY, IDAHO," (APPROVED MARCH 4, 1901) AND TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 2 AND 6 OF AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE BOISE CITY IN ADA COUNTY," (APPROVED JAN. 11, 1866) AND TO AMEND AN ACT ENTITLED AN ACT TO

AMEND SECTIONS 3, 5 AND 9 OF AN ACT INCORPORATING THE CITY OF BOISE, APPROVED JAN. 11, 1866 BEING SECTIONS 130, 132 AND 138 OF THE SPECIAL AND LOCAL LAWS OF IDAHO," (APPROVED FEB. 21, 1899), AND THEREBY PRESCRIBE AND DEFINE THE POWERS AND DUTIES OF CERTAIN OFFICERS OF SAID CITY, AND TO PROVIDE FOR THE ASSESSING AND COLLECTING OF CITY TAXES BY THE COUNTY ASSESSOR AND TAX COLLECTOR OF ADA COUNTY, IDAHO, (APPROVED MARCH 4, 1901), EXTENDING AND DEFINING THE BOUNDARIES OF BOISE CITY, AND PROVIDING FOR THE CREATION AND ORGANIZATION OF THE FOURTH WARD OF BOISE CITY, AND FOR HOLDING A SPECIAL ELECTION THEREIN (APPROVED MARCH 11, 1903), AND THEREBY MAKING PROVISION FOR THE ANNEXATION OF TERRITORY, EXTENDING THE CITY BOUNDARIES OF SAID CITY, CHANGING THE NUMBER, MODE OF ELECTION AND LENGTH OF TERMS OF COUNCILMEN, CHANGING THE TIME OF HOLDING CITY ELECTIONS, PROVIDING A METHOD OF NOMINATING ELECTIVE OFFICERS, CHANGING THE MANNER OF THE APPOINTMENT OF CITY OFFICERS AND THE REMOVAL THEREOF, DEFINING THE POWERS AND DUTIES OF THE MAYOR AND COUNCIL, PRESCRIBING PENALTIES FOR THE VIOLATION OF CITY ORDINANCES, LIMITING THE LEVY OF TAXES AND THE APPROPRIATION OF MONEY, ENLARGING THE JURISDICTION OF THE CITY OVER NUISANCES AND ENLARGING THE POLICE POWERS AND DEFINING ITS POWERS OF IMPOSING LICENSES AND TAXES AND REGULATING TRADES, OCCUPATIONS AND BUSINESSES, DEFINING THE QUALIFICATIONS, POWERS AND DUTIES OF CITY OFFICERS, DEFINING THE JURISDICTION OF THE CITY MAGISTRATE AND PROVIDING A METHOD OF APPEAL, CREATING AN AUDITING COMMITTEE, A SINKING FUND COMMISSION AND A BOARD OF PUBLIC WORKS, REGULATING THE GRANTING OF FRANCHISES AND THE OPERATION THEREOF, PROVIDING FOR AN OFFICIAL CITY NEWSPAPER, PROVIDING A METHOD OF IMPEACHMENT OF CITY OFFICERS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That an act entitled "An act to incorporate Boise City, in Ada county," (Approved Jan. 11, 1866), and an act entitled "An act amending the charter of the City of Boise; amending Sections 3, 5 and 9 of an act incorporating the City of Boise, approved Jan. 11, 1866, being Sections 130, 132 and 138 of the special and local laws of Idaho," (Approved Feb. 21, 1899), and an act entitled "An act to amend

an act entitled an act to incorporate Boise City in Ada county, approved Jan. 11, 1866, and to amend an act entitled an act to amend sections 3, 5 and 9, of an act incorporating the City of Boise, approved Jan. 11, 1866, being Sections 130, 132 and 138 of the special and local laws of Idaho, (approved Feb. 21, 1899), and thereby prescribe and define the powers and duties of certain officers of said city, and to provide for the assessing and collecting of city taxes by the county assessor and tax collector, of Ada county, Idaho," (approved March 4, 1901) and an act entitled "An act to amend sections 2 and 6 of an act entitled an act to amend an act entitled an act to incorporate Boise City in Ada county, (approved Jan. 11, 1866), and to amend an act entitled an act to amend sections 3, 5 and 9 of an act incorporating the City of Boise, approved Jan. 11, 1866, being sections 130, 132 and 138 of the special and local laws of Idaho, (approved Feb. 21, 1899), and thereby prescribe and define the powers and duties of certain officers of said city, and to provide for the assessing and collecting of city taxes by the county assessor and tax collector of Ada county, Idaho, (approved March 4, 1901), extending and defining the boundaries of Boise City, and providing for the organization and creation of the Fourth ward of Boise City, and for holding a special election therein," (approved March 11, 1903), be and the same are hereby amended to read as follows:

The inhabitants of that part of Ada county, Idaho, within the limits of the next section herein prescribed, are hereby constituted and declared to be a municipal corporation by the name and style of "Boise City," and by such name shall have perpetual succession, sue and be sued, plead and be impleaded, in all courts of justice, and in all actions, suits or proceedings whatever, may purchase, hold, receive and acquire by the exercise of the right of eminent domain, property, both real and personal, within said city, for public buildings, public works and city improvements, and may and shall have the right of possession and control of all public parks, and all tracts of land lying within said limits which have been or may be hereafter dedicated or in what manner soever obtained for public purposes; and may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for parks, burial purposes, work houses, houses of correction, and a hospital for the reception and care of persons afflicted

with contagious diseases, and for the purpose of maintaining water works, electric light works, cemeteries, and for such other purposes as may be deemed necessary for the carrying on of the city government, and shall have and use a common seal, and may alter and break the same or make a new one at its pleasure. All instruments conveying either real or personal property belonging to said city, shall be signed by the mayor and attested by the city clerk, and the seal of said city placed thereon, and shall be acknowledged and recorded as other instruments conveying property required by the general law of the State, and no conveyance not thus executed, acknowledged and recorded, shall have any validity whatever as against said city. The City of Boise shall be invested within its limits with authority to perform all public services and with all governmental powers, except such as are expressly conferred by law upon other public corporations, and subject to the limitations prescribed by the Constitution and laws of the State, except as hereinafter provided.

SEC. 2. The boundaries of Boise City shall hereafter be as follows: Beginning at a point where the section line between sections thirteen (13) and fourteen (14), township three (3) north, range two (2) east of the Boise Meridian, leaves the north side of Boise river; thence north on said section line, to the quarter section corner between sections eleven (11) and twelve (12); thence west to the center of section eleven (11); thence north to the north and south center line of section eleven (11), to the line of the Fort Boise Reservation; thence southwesterly along the southeasterly line of said reservation to the southeasterly corner of said reservation; thence northwesterly to the northwest corner of said reservation; thence north seventy (70) degrees east along said reservation line to a point where the east line of the northwest quarter of the southwest quarter of section two (2) township three (3), north range two (2) east, intersects said line; thence north on said east line of said northwest quarter, section two (2), township three (3) north range two (2) east to the east and west center line of said section two (2); thence west on said east and west center line to the quarter section corner on the line between sections two (2) and three (3), township three (3) north range two (2) east; thence due north on said section line between sections two (2) and three (3), to the township line between townships three (3) and four (4) north, range two (2) east; thence westerly along said township line

to a point where the line between sections three (3) and four (4) of township three (3) north range two (2) east, intersects the same; thence south, following said line between sections three (3) and four (4) to the quarter section corner or the line between sections three (3) and four (4), township three (3) north range two (2) east of the Boise Meridian; thence west to the center of section four (4); thence south on the north and south center line of sections four (4) and nine (9) to where said center line intersects the north bank of the north channel of the Boise river; thence following said bank southerly and easterly to the point where the section line between said sections thirteen (13) and fourteen (14) leaves the same and place of beginning.

SEC. 3. Boise City may annex additional territory contiguous to and adjoining the limits of said city, in the following manner:

Whenever a petition shall be filed in the office of the city clerk, describing any such territory and defining the boundaries thereof, signed by the qualified voters of such territory equal in number to at least fifteen per cent of the qualified voters thereof voting at the last preceding general election, praying for the annexation of such territory, the council of Boise City shall consider and determine whether the annexation of such territory or any part thereof shall be submitted to the qualified voters thereof. And in case said council determines that the question of such annexation shall be so submitted, it shall be the duty of said mayor and council to forthwith call a special election in said territory, for the purpose of submitting to the qualified electors thereof the question of annexing said territory to said city. Notice of the time and place of holding said election shall be given in the same manner, and said election shall be conducted in all respects the same as is provided in this act for holding special elections of said city. Elector, as used in this section, means any person qualified to take the following oath:

"I, _____, do solemnly swear (or affirm), that I am a citizen of the United States over the age of twenty-one years; that I have resided in this State for six months last past, and within the territory now proposed to be annexed to Boise City, for ninety days last past.

Subscribed and sworn to before me, this _____ day of _____, _____.

SEC. 4. The ballots for said election must contain the words "Annexation, Yes," and "Annexation, No," the voter placing a cross after the proposition he wishes to vote for. If a majority of the votes cast at such election are "Annexation Yes," then the council shall declare by a resolution that such territory has been annexed and become a part of said city; and thereafter the persons and property in said annexed territory shall be subject to the same benefits and obligations and burdens as the remainder of said city.

SEC. 5. The power and authority granted to the municipal corporation of Boise City under this act is vested in a mayor and common council, and in the departments and officers authorized by this act and by said mayor and common council and their successors in office, to be exercised in the manner hereinafter prescribed.

SEC. 6. Nominations of persons for any office to be filled at a city election, shall be made by convention called and held for such purpose and attended or called by at least fifty (50) persons qualified to vote at such election. Not less than five days' public notice of the intention to hold such convention shall be given, by publishing a notice thereof immediately preceding the holding of such convention, in five regular issues of a daily newspaper published in the city. Nominations made at any such convention shall be certified to by the chairman and secretary of such convention and filed with the city clerk not less than ten days prior to the day of holding the election; such certificate shall be sworn to by the officers making the same and must show that such convention was legally held and called. The names of persons so nominated shall be placed on the official ballot, and the name of any person may appear thereon more than once if he has been nominated more than once, by two or more such conventions or by petition, but no emblem, device or party designation shall be used on the official ballot at any municipal election, and no candidate shall be deemed to be voted for on such ballot unless a cross-mark be placed opposite his name. The voting of a whole ticket on such ballot by the use of one cross mark is hereby prohibited.

SEC. 7. The council shall consist of four members, and at the first general municipal election held after this act goes into effect, there shall be elected on a general ticket four members of the common council, and upon the election and qualification of such members, they shall be divided into two classes, of

two members each, the first class to serve for a term of two years each, and the second class to serve for a term of four years each, which division and determination shall be made by lot under the supervision of the mayor. And at each general municipal election thereafter there shall be elected two members of the council on such general ticket for terms of four years each, and the two candidates for councilmen on such official ballot receiving the highest numbers of votes cast for councilmen shall be declared elected. In case of vacancy among the hold-over members, temporarily filled by appointment of the council as herein prescribed, such vacancy shall be filled at the next ensuing general election, for the remainder of the term, in the same manner as herein prescribed for the nomination and election of other councilmen.

SEC. 8. The mayor shall be elected for two years, and shall hold his office until his successor shall be elected and qualified, except as herein otherwise provided.

SEC. 9. A city treasurer shall be elected, who shall be an officer of this municipal corporation. He shall hold his office for two years, and until his successor is elected and qualified.

SEC. 10. No person is eligible to any elective office in the municipal corporation who, at the time of his election, is not a resident and qualified voter of the city, and entitled to the privileges of an elector according to the Constitution and laws of the State of Idaho, and who has not resided in Boise City for two years next preceding his election.

SEC. 11. The mayor shall have power to appoint all heads of departments in the administrative service of the city, except as herein otherwise provided. He shall have power to appoint all officers and employes in the subordinate administrative service of the city, and to fill all vacancies therein; in so doing he shall give due consideration to the recommendations of heads of departments, in regard to appointments to positions requiring special qualifications. Heads of departments may employ or remove laborers employed in their respective departments, subject to the approval of the mayor.

SEC. 12. The mayor shall appoint a chief of police, chief of fire department, city engineer, street commissioner, city attorney, and officers to fill such other offices as may be established by ordinance of the council.

SEC. 13. Any officer appointed by the mayor may be removed by him at any time: *Provided*, That any person so re-

moved from office may demand that the mayor file charges with the city clerk, stating the reasons for such removal, and that upon such demand being made the mayor shall comply therewith within three days thereafter. Any officer appointed by the mayor may also be removed by a three-fourths vote of all the members of the council, upon good cause being shown. But no removal from office or employment shall be made on account of the political or religious beliefs of the incumbent thereof.

SEC. 14. There shall be a general city election held in Boise City on the first Tuesday in April, 1907, and on the first Tuesday in April biennially thereafter, and all persons elected at such elections shall hold office respectively for the terms prescribed in this act, and until their successors are elected and qualified.

SEC. 15. The council shall by ordinance establish and designate, for election purposes, such and so many election precincts and places for holding elections as they may deem necessary, but no precinct shall be established, designated or changed within twenty (20) days preceding any city election, and the general election laws of Idaho regulating and governing county elections shall apply to and govern city elections, so far as the same are not inconsistent with this act and the ordinances of the city passed in relation to said elections: *Provided*, That at all special city elections there shall be appointed by said council three judges and two clerks of election for each polling place, and that all officers of city elections shall be appointed by the council of said city.

SEC. 16. The city clerk, under direction of the council, shall give twenty days' notice, by a publication in some daily newspaper published in Boise City, of each general election, the officers to be elected thereat, and the place in each precinct designated for the holding of elections therein, and for the judges and clerks appointed to conduct the same, and all matters to be voted upon.

SEC. 17. No person is qualified to vote at an election under this act who has not been a resident of the city for thirty days, of the precinct in which he offers to vote for ten days next preceding such election, and who does not possess the qualification of a legal voter in the State, or who has within one year preceding such election been convicted of being an inmate of a house of ill fame.

SEC. 18. All city elections shall commence at eight o'clock A. M. and continue until six o'clock of the same day without closing the polls.

SEC. 19. If any judge of election fails to attend and serve at the proper time, the voters of the election precinct then present may elect another in his place, and if any clerk of election fails to attend and serve at the proper time the voters of the election precinct may elect another in his place.

SEC. 20. Judges and clerks of election must possess the qualifications of voters in the precinct where they act as such; but a mistake or error in this respect shall not invalidate any election otherwise legal.

SEC. 21. Within four days after the election, the returns thereof must be certified to by the judges of election from each precinct and be filed with the city clerk; and on the fourth day after the election the mayor and common council shall meet in the council chambers and canvass the returns of the election and declare the result.

SEC. 22. Immediately after the completion of the canvass, and the result being declared, the city clerk must make and sign a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 23. A certificate of election is primary evidence of the facts therein stated, but the council is the judge of the qualifications and election of the mayor and its own members; and in case of a contest between two persons claiming to be elected thereto, must determine the same, subject, however, to the review of any court of competent jurisdiction.

SEC. 24. A contested election for any city office must be determined according to the law of the State regulating proceedings in contested elections in county offices.

SEC. 25. The term of every person elected to office under this act shall commence immediately upon receipt of his certificate of election or appointment from the city clerk, and such person must, prior to the issuance of such certificate of election or appointment qualify therefor, by taking and filing the oath of office, and giving such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office shall be considered vacant.

SEC. 26. All officers elected or appointed under this act, or the ordinances of the city, before entering upon the duties

of their offices, must take and file with the city clerk an oath of office to the following effect: "I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Idaho, and the laws and ordinances of the city, and that I will, to the best of my ability, faithfully perform the duties of the office of.....during my continuance therein, so help me God." If the person affirms, instead of the last clause there must be added: "And this I promise under the pains and penalties of perjury."

SEC. 27. Whenever any person nominated for a municipal office shall decline such nomination or desire to withdraw as a candidate, he shall file with the city clerk, not less than seven days prior to the day of election, notice of his declination or withdrawal, the city clerk shall keep a register of the nominations for city officers (in the manner required by the general laws of the State of Idaho, to be kept by the county clerk) and it shall be the duty of the city clerk to arrange in the manner provided by the general laws of the State of Idaho for the arrangement of such names and information, the names and information concerning all candidates for such city offices, and to certify and post the same, and to cause the same to be printed upon the colored or sample ballots and upon the white ballots to be used in the several polling places within the limits of Boise City, and to do and perform all other things in that behalf which are required of the county clerk by the general laws of the State of Idaho; and the chief of police shall do and perform all such things and acts in and about the election and the preparation therefor as are required of the sheriff of Ada county by the general laws regulating elections.

SEC. 28. An office shall be deemed vacant upon the death or resignation of the incumbent, or upon such incumbent ceasing to possess the qualifications of an elector.

SEC. 29. A vacancy in any elective office, caused by failure of any person elected to qualify therefor, as prescribed in this act, or made by or consequent upon the judgment of any court, or consequent upon any failure to elect or qualify, or in any of the cases specified in the last section, must be filled as follows:

1. In the office of councilman, by the appointment of the council, such appointment to be made by a majority of all the remaining members of the council, and such appointee

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to hold office until the next ensuing general city election, and until his successor is elected and qualified thereat.

2. In the office of treasurer by appointment of the mayor, to continue until the successor of such treasurer is elected and qualified.

3. Whenever a vacancy shall occur in the office of the mayor, the president of the council shall act as mayor, and shall possess all the rights and powers of the mayor, and perform all his duties until the next general election, and until his successor is elected and qualified, except as herein otherwise provided.

SEC. 30. An officer appointed to fill a vacancy must, within two days from the date of such appointment, qualify therefor, as in case of an officer elected or he shall be deemed to have declined, and the office considered vacant.

SEC. 31. No member of the council or other officer of the city shall hold any other public office, or hold any office or employment the compensation of which is paid out of public money, except as herein provided; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected; or be interested, directly or indirectly, in any contract with the city, or be in the employ of any person having any contract with the city, or of any holder of a franchise granted by the city. Stockholders in franchise-seeking or franchise-holding corporations, when members of the council or members of any city board or commissioner, shall not vote on questions of franchise, regulation, or contract, affecting such corporations.

SEC. 32. The council must provide for the time and place of its regular meetings, at any of which it may adjourn, to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened by the mayor or a majority of the members of the council at any time, upon not less than twenty-four hours' notice, given by the city clerk to the mayor and members of the council.

SEC. 33. A majority of the members of the council shall constitute a quorum to do business; but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

SEC. 34. The council may adopt rules for the government of its members and its proceedings. It may punish its members for disorderly conduct, and with the concurrence of three-fourths of all the members, expel a member for continued neglect of his duties, or the wilful violation of any penal law, or any of the provisions of this act.

SEC. 35. The council must keep a journal of its proceedings, and upon the call of any one member must cause the yeas and nays to be taken and entered in its journal upon any question before it. Its deliberations and proceedings must be public.

SEC. 36. The council shall have power to compel the attendance of witnesses, and the production of papers, books or documents, in any matter under investigation, and may punish for contempt.

SEC. 37. No ordinance or resolution shall be passed finally on the day it is introduced, except in case of public emergency, and then only when requested by the mayor and approved by the affirmative votes of three-fourths of all the members of the council.

SEC. 38. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof within the meaning of this act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, except as otherwise herein provided. *Provided further*, That the salaries of the mayor and common council, in case they are by ordinance entitled to compensation, shall be paid to them quarterly, and that no one of them shall be paid such salary or any part thereof unless he shall have first taken and subscribed an oath that he has not either voted, advised, consented to, drawn, issued or signed any warrant or indebtedness against any fund or for any purpose, to an amount exceeding the revenue for that fiscal year, and that the proceeds of the levy made for that fiscal year had not at the time of taking such oath been exceeded by the expenditures.

SEC. 39. The council shall choose by ballot one of its members to preside over the council and perform the duties of mayor in the absence of the mayor. He shall be designated president of the council, and in the absence of the mayor from the city, or if the mayor be from any cause unable

to act, or in case of vacancy in the office of mayor, said president of the council shall have and exercise the power of the mayor, and perform all the duties of the office of mayor, except that he shall not, without the consent of the council, appoint or remove from office any person in the service of the city, unless such absence or disability of the mayor continues for a period of at least twenty days. The council shall choose a president pro tem, in the absence of the president of the council, or when the latter shall exercise the office of mayor.

SEC. 40. The council shall appoint the city clerk and ex-officio auditor, who shall hold said office at the pleasure of the council, and in case of a tie vote on such appointment, or in case of removal, the mayor shall be entitled to the casting vote. Such appointment must be by a majority vote of the council.

SEC. 41. Immediately after the election and qualification of members of the council at each general election, the council shall, by a majority vote, appoint a city magistrate. In case of a tie vote on such appointment, the mayor shall be entitled to the casting vote. Such city magistrate shall hold his office for a term of two years and until his successor is appointed and qualified, unless sooner removed for cause. An affirmative vote of three-fourths of all the members of the council shall be required in order to effect such removal.

SEC. 42. The mayor and common council shall have power:

1. To make and enforce all such local, police, sanitary and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits or on lands within the jurisdiction of the city, and provide for their punishment, although the offense constituting the misdemeanor be also a violation of the penal laws of the State.

2. To assess, levy and collect taxes for general municipal purposes, not to exceed ten mills on a dollar per annum, upon all property both real and personal, which is taxable by law for state or county purposes.

3. To levy and collect a special tax of not exceeding ten mills on a dollar per annum, upon all the property assessed by authority of subdivision 2 of this section, for any specific object within the authority of this municipal corporation, including the payment of any existing debt; but the ordinance pro-

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viding therefor must specify the object thereof and the estimated amount therefor.

4. To assess, levy and collect an annual tax of not exceeding one mill on a dollar of the taxable property of said city, for the purpose of assisting in the maintaining of the public library and reading room of said city.

5. To license, tax and regulate brokers, auctioneers, taverns, hawkers, peddlers, pawnbrokers, washhouses, places of public amusement or entertainment, including theatres, operas, exhibitions, shows and the like, hotel and boarding house keepers, and runners, dealers in second hand articles of merchandise, junk dealers, the keeping of billiard tables, bowling alleys, and shooting galleries, and for the purpose of this act, to define and declare what constitutes any of such professions, callings, employments, or such places of amusement or entertainment.

6. To license, tax and regulate livery or boarding stables, hacks, cabs, hackneys, carriages, wagons, carts, trucks, drays, cars or other vehicles used for transportation of persons or passengers, or goods, wares or merchandise, earth, rock, building material or other articles, and prescribe the rates to be charged for such transportation.

7. To license, tax and regulate such trades, occupations and businesses as the council may deem expedient or necessary, and to license and regulate the same outside of the corporate limits and within one mile thereof. No license shall be granted for a longer term than one year from the date of issuance thereof.

8. To license, tax, regulate and restrain barkeepers, saloon keepers, dealers in and manufacturers of spirituous, vinous or malt liquors, and the places where the same are kept for sale, or in any manner disposed of, and to regulate and control the location of such places and the sale and disposal of such liquors; all offensive and dangerous trades, employments or business; and for the purpose of this act to define and declare who is a barkeeper or dealer in spirituous, vinous or malt liquors, and what is a barroom, drinking shop or place where spirituous, vinous or malt liquors are kept for sale or disposed of, and what are offensive or dangerous trades, employments or business. But this subdivision does not empower Boise City to declare a trade, employment or business offensive or dangerous contrary to the common under-

standing of the subject, nor to authorize any one to do any act or engage in any business contrary to the law of the land; and to require bonds to be given by the proprietors of the business mentioned in this subdivision, with sufficient sureties, conditioned not to keep, allow or permit a disorderly house, and to cancel and revoke any such license, in their discretion: *Provided*, That no State or county license shall authorize any person to engage in or conduct any business or anything in this or the two preceding subdivisions enumerated within said city, unless a license is first obtained from said city council, and the council may provide a penalty therefor.

9. To suppress gaming and gambling houses, or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game or keeps or frequents such house; to regulate, prevent and suppress bawdy houses or houses of ill-fame or places where fornication is practised and to punish any keeper and inmates thereof; to prevent and suppress opium smoking and houses or places kept therefor, and to punish any person who shall vend or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take, or accept any opium in any house or place, to be smoked upon the premises, and to punish any keeper of such house or place, or person who smokes therein or frequents the same; to tax, regulate, license, prevent and prohibit the sale of cigarettes, cigars, tobacco, or any of them to minors.

10. To make regulations to prevent the introduction of contagious diseases in the city, or to remove persons afflicted with such diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the city; to regulate the plumbing and drainage of buildings and the use of steam boilers and steam generators, and to provide for the registration of the plumbers; and to make effectual such regulations as the council may deem it expedient to pass, by providing penalties for the breach of any of the provisions thereof; to make such sanitary regulations as to the council may seem proper.

11. To provide for lighting the streets, parks, buildings, and other public places of the city, and furnishing the city with gas, electric or other lights, and for the erection, construction

and maintenance of such works within or without the city limits as may be necessary or convenient therefor.

12. To prevent and punish trespassers upon real and personal property.

13. To define what shall constitute vagrancy, and provide for the support, restraint, punishment and employment of vagrants and paupers; to prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints, pictures and the like, and to define and declare from time to time what if any literature, books, papers, prints, pictures and the like are obscene within the purposes and province of this provision.

14. To prevent and remove nuisances, and to declare what shall constitute the same, and to punish persons committing or suffering nuisances, and to provide the manner of their removal and to make the cost of such removal a lien upon the property where such nuisance existed; or to fill up or drain any lot, blocks or parcels of land where any stagnant water stands, and declare the same a nuisance and to make the cost of filling up or draining the same a lien upon the property so filled or drained, which may be done and the cost thereof collected in the same manner as street improvements; the work of filling up or draining off such lots, blocks or parcels of land shall be performed by the street commissioners, and the cost thereof shall be collected in the same manner as the cost of making repairs is collected.

15. To define the fire limits; prohibit the erection or repair of wooden buildings within the fire limits, and to restrict and limit the height of buildings within the city; to provide for and determine the number and size of places of entrance and exits from all theatres, public halls, places of amusement, churches and other buildings used for public gatherings, and the modes of hanging doors thereat, and to regulate the plumbing and sewerage of all buildings within the city, and to require adequate fire escapes, apparatus and appliances for the protection against fire to be provided in such buildings, and to prevent and prohibit the erection of dangerous and unsafe buildings, and to cause the removal or tearing down of the same wherever situated; to control and regulate the fire department, and to provide by ordinance for the officers thereof,

and the election of unpaid officers by the members of such fire department, and to define the duties of paid officers.

16. To provide for the prevention and removal of encroachments and obstructions from the streets, sidewalks, crosswalks, alleys, avenues, lanes or other highways and public places of the city, and for the cleaning and repairing of the same, and to compel owners, lessees, agents, and occupants of lands abutting upon the streets to remove such obstructions and repair such streets, sidewalks, crosswalks, alleys, avenues, lanes or other highways and public places of the city, and to punish such persons for refusing so to do.

17. To provide for the establishment of market houses and places, and to regulate the location and management of market houses, hide houses and places; to prohibit and regulate the location and management of slaughter houses and hide houses, within five miles of the city limits; and to provide a standard of weights and measures, and authorize an inspection of weights and measures, and of food and fuel, and prevent and prohibit the sale of unhealthful and unwholesome food, and to provide for the office of city weigher and measurer.

18. To purchase sites for and provide for the erection of city jails, houses of correction, work houses and any other public buildings, and for the government and management of the same, both within and without the city limits.

19. To regulate the storage and sale of gunpowder, dynamite, giant powder, nitro-glycerine, oil and other combustible material, and prevent their manufacture in the city, and to prevent by all possible and proper means danger or risks of injury or damage by fire arising from carelessness, negligence or otherwise.

20. To restrain and punish intoxication, fighting and quarreling and any disturbance or any unlawful or indecent practice, and to define what shall constitute the same.

21. To regulate and prohibit the use of guns, pistols and fire-arms, firecrackers, bombs and detonating works of all descriptions.

22. To prevent, restrain, punish and disperse any riot or riotous assemblage, or punish any person taking part therein.

23. To prohibit the carrying of dangerous weapons in a concealed manner.

24. To license, tax, control and regulate laundries and occupations offensive to the senses or noxious to the health and to provide for their exclusion from the city limits or any part thereof.

25. To regulate the driving of animals through the streets and prevent cruelty to animals and children.

26. To prevent any and all domestic animals from running at large within the city limits, or any part thereof, and to punish those persons who allow animals to so run at large; and to provide for the impounding of the same, and also to provide for the sale of such animals upon five days' notice; and to authorize the destruction of dogs when at large, contrary to any prohibition of any such ordinance.

27. To compel all persons erecting or maintaining privies or cesspools within one hundred and seventy feet of any street in which a sewer has or may hereafter be constructed to connect the same therewith: *Provided*, That in cases where blocks are more than one hundred and seventy feet in width, this authority shall extend to the center of the block.

28. To purchase, take and hold real property when sold for a delinquent tax or assessment levied or imposed under the authority of Boise City and to sell the same.

29. To provide for surveying the blocks and streets of the city, and for making the boundary lines of such blocks and streets.

30. To regulate the use of streets, roads, highways and public places for foot passengers, animals, vehicles, cars, street railways and locomotives, to regulate the transportation of gunpowder, dynamite, nitro-glycerine and other combustibles through the streets of the city; to protect the public from injury by runaways, by punishing persons who negligently have horses or carriages in the streets without fastenings; to prescribe the width of tires on all wagons, carriages, drays, trucks, carts and other vehicles, and the weight to be carried thereby for the preservation of streets and highways.

31. To regulate the use of sidewalks and prevent the extension of building fronts, and house fronts within the street line, and may prohibit the building and use of barbed wire fences.

32. To regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of electric, gas and other lights.

33. To open, establish and vacate streets, avenues, lanes and alleys and widen the same, and for that purpose to condemn property for the city use, under such regulations as are provided by the general laws of Idaho. To grade, pave, plank, macadamize, gravel, curb or otherwise improve, repair or beautify the highways, streets, avenues, lanes, alleys, and sidewalks of the city, and to provide for the payment of the expense thereof, to levy special assessments in the manner hereinafter provided, upon property which is especially benefitted by any said improvement that is contiguous to or abutting or fronting upon the highway, street, alley, lane or sidewalk, to be graded, paved, planked, graveled, curbed, macadamized or otherwise improved or beautified.

34. To provide for the sprinkling, cleaning and repairing of all the streets in said city, and, to provide for the payment of the expense thereof, to levy a tax or special assessment upon the real property to be benefitted thereby, which shall be a lien upon said property until paid.

35. To divide the city into convenient sewer districts and whenever, in the opinion of the council, it is deemed necessary for the protection of the health of said district and city, to provide for the construction of, and to construct sewers within such districts, and to provide for the payment of the expense thereof, to levy special assessments as in the same manner hereinafter provided, upon property which is especially benefitted by reason of the construction of said sewers that is contiguous or tributary to or abutting or fronting upon the street, alley, avenue or lane through or along, or on the line of which the sewer may run.

36. To establish, maintain and improve parks, public grounds and places, either within or without the city limits.

37. To regulate and prevent public criers and advertising notices, the ringing of bells and playing of bands in the streets, and to control and limit traffic on the streets, avenues and public places, to regulate the use of the streets and sidewalks for the use of signs, signposts, hitching posts, awning posts, telegraph, telephone and electric light poles and other purposes; to regulate and prohibit the exhibition and hanging of placards or flags in or across the street, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons; and to prohibit such and all persons from begging upon the streets or any other public places; to establish from time to time such public stations as may be nec-

essary; to regulate the numbering of houses and lots on the streets and avenues, and the naming of streets and avenues; to prohibit persons from roaming the streets at unseasonable hours.

38. To prevent the erection or moving of buildings within the city limits, which shall be dangerous to the passersby or to the adjacent property, or an obstruction to public travel, and in case any building on any public street shall become dangerous to passers-by, to cause the same to be removed, or made safe at the expense of the property, upon five days' notice to the owner thereof or agent therefor.

Such expense shall be made a lien upon the property, and shall be levied, assessed and collected in the same manner as assessments for street improvements, and the council may regulate the time and manner of and prohibit the moving of buildings through the streets of the city, and may designate the character of buildings which may or may not be moved.

39. To allow, authorize, provide for and regulate the erection, maintenance and removal of telegraph, telephone, electric light, electric railway and other poles, wires and cables, and the laying and use of underground conduits or subways for the same in, under, upon, or over the streets, alleys, public parks and public places of said city; and in, under, over and upon any lands owned or under the control of said city, whether they be inside the city limits or not; and to require all such wires and cables to be laid in said conduits or subways when reasonably practicable.

40. To establish and regulate the fees and compensation and to define the duties of all officers in this municipal corporation: *Provided*, That no mayor or council can, during their term of office, establish or regulate their own fees and compensation, or the compensation and fees of their successors or any of them within ten days before any general election.

41. To provide for the punishment of the violations of any of the ordinances of the city by fine or imprisonment in the city jail, not exceeding three hundred dollars or sixty days, or both, or by a forfeiture, as penalty, not exceeding three hundred dollars, and for working any person sentenced to such imprisonment upon the streets, parks, public squares, work-houses or house of correction, during the term thereof, and to provide for the punishment of any person sentenced to imprisonment who shall refuse to work when ordered.

42. To appropriate money to pay the debts, liabilities and expenditures of the city, or any part or item thereof. But no appropriations shall be made in aid of any person, corporation or society, unless expressly authorized by this act or the laws of the State.

43. To locate and construct any ditch, canal or pipe for the conduct of water, and any drain, sewer or culvert it may deem necessary or convenient, and for such purposes shall have a right to enter upon any land between the termini of such ditch, canal or pipe, or drain, sewer or culvert, for the purpose of examining, locating and surveying the land of said ditch, canal, pipe, drain, sewer or culvert, doing no unnecessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of such ditch, canal, sewer, pipe, drain or culvert, in like manner as provided by the laws of this State for the appropriation of lands or right-of-way by corporations, and to appropriate and divert from its natural course or channel, for the purpose of draining or flushing any drain, sewer or culvert, any spring or streams of water, and compel the extension of water and sewer connections from the main sewer or pipe to the curb-line of the sidewalks of all public streets.

44. To authorize the taking up, and provide for safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of proper parental care.

45. To provide for taking enumeration of the inhabitants of the city, to regulate the burial of the dead and keep a register of all births and deaths; to direct the returning and keeping of all bills of mortality; and to impose penalties on physicians, sextons and others for any default in the premises.

46. For the preservation of the health of the inhabitants of the city, said council and mayor are empowered to abate any nuisance outside of the limits of the city affecting the health and comfort of the inhabitants thereof, and in case of any such nuisance said council and mayor shall have the same power as if such nuisance existed within the corporate limits of the city. They shall also have jurisdiction over all places within five miles of the corporate limits for the making and enforcement of any health or quarantine ordinance.

47. For the protection of human life and the lessening of danger thereto, to require all railways and railroads to provide

proper fenders and other safety appliances, and the latest and most approved machinery and methods for their cars and tracks and for the operation thereof, and to keep their cars in comfortable and sanitary condition for the transportation of passengers. Such regulations may be enforced by such fines and penalties as may be by ordinance provided.

48. To regulate the moving and the operation, the time, the rate of speed and rates of fare of moving cars on railroads and street railways, whether the same have been constructed before the passage of this act or afterward.

49. To provide the city with good and wholesome water, and for the erection or construction of such water works and reservoirs, within or without the limits of the city, as may be necessary or convenient therefor.

50. To borrow money on the faith and credit of the city; but the total indebtedness of the city shall not at any time exceed fifteen per cent of the assessed valuation of Boise City.

51. The power and authority granted by subdivision forty-one of this section can only be enforced or exercised by ordinance, unless otherwise expressly provided; and a majority of the council may pass any ordinance or resolution not repugnant to the constitution and laws of the United States or of the State of Idaho, necessary or convenient for carrying into effect any power or authority granted by this act.

SEC. 43. The foregoing or other enumeration of particular powers granted by this act, shall not be construed to impair any general grant of power herein contained, nor to limit any such general grant to powers of the same class or classes as those so enumerated.

SEC. 44. The council shall annually let the legal advertising of the city to the lowest and best bidder, who shall give bonds to the city in such sum as may be fixed by the council to well and faithfully perform the conditions of the contract; and it shall be the duty of the council, after the letting of such contract, to designate the newspaper published by the party receiving such contract, as the official newspaper of the city, and all the legal advertising of the city during the term of such contract shall be printed in such newspaper, except as herein otherwise provided.

SEC. 45. It shall be the duty of the mayor of Boise City to cause to be published in some newspaper published in said city, quarterly statements of the financial condition of said city,

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H. B. 42, §42 A. B
Added
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showing the amounts received and disbursed in each quarter, and the actual indebtedness of the city at the end of such quarter, including both floating and bonded indebtedness. Such statement shall be verified by the certificate under oath of the city clerk and ex-officio auditor.

SEC. 46. The style of every ordinance shall be: "Boise City does ordain as follows:" Every ordinance after its passage shall be recorded in a book kept for that purpose, which record shall be authenticated by the president of the council and attested by the city clerk, and in case such ordinance is approved by the mayor, he shall also sign such record.

SEC. 47. The council may impeach any elective officer of the city for any wilful violation of his duty during his term of office, or for the commission of a crime or misdemeanor involving moral turpitude, but only upon notice thereof, together with a copy of the charges against him, given to him at least five days before the hearing. Such officer shall have an opportunity to be present at such hearing with his counsel, to offer evidence in his own behalf, and to be heard by himself and counsel. Removal of such officer shall be had upon said impeachment only by the affirmative vote of three-fourths of all the members of the council when assembled as a court of impeachment. The president of the council shall preside at all such meetings.

SEC. 48. The manner in which all special assessments for any of the purposes provided for in subdivisions 33, 34 and 35 of section 42 of this act shall be made, is as follows:

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H. B. 12, § 18 A, J
Added
p. 641, '29L

1. The council shall appoint three commissioners, to consist of its own members, which said commissioners shall make an examination of all property upon which said assessment is to be levied, as to the valuation and extent, if any, of the benefits to be derived by said property by reason of the said improvements. Said commissioners shall then make their report to the council in writing.

2. After receiving said report the council shall, before the levy of any special assessment for any improvements, give personal notice for ten days, or in the absence from said city of any property owner, agent or person in charge of said property, it shall give notice by publication in a daily newspaper in said city, for a period of ten days, to either such owner, agent or person in charge of said property against which said assessment is to be made, of its intention to levy said special

assessments, naming the purpose for which special assessments are to be levied, a description of the improvements so proposed, the boundaries of the district to be affected or benefitted by such improvements, the estimated cost of such improvements, and designate a time when the council will meet and consider the proposed levy, and granting to any person feeling aggrieved a hearing before said council. After a compliance with this section, the council shall be deemed to have acquired jurisdiction to order the making of such improvements. All special assessments to cover the cost of any public improvement herein authorized shall be levied, assessed on and equitably apportioned among all blocks, lots, parts of blocks and lots, lands and real estate bounding, abutting, contiguous, fronting or adjacent or tributary to such improvement, or within the district created for the purpose of making such improvement, to the extent of the benefits to such lots, parts of lots, lands and real estate by reason of such improvement; such benefits to be equal and uniform.

3. Such assessment may be according to the square foot or foot frontage and for all intersections of streets and spaces opposite alleys in any district ordered to be improved, it shall be equally borne by and apportioned among the owners of said property abutting upon or contiguous to said intersections and spaces opposite said alleys, according to the benefits which said property receives by reason of said improvements; but nothing herein contained shall be construed to exempt any street railway or other railway company from keeping every portion of every street, avenue and alley used by it, upon and across which its tracks shall be constructed at or near the grade of such streets, in good and safe condition for public travel, but it shall keep the same planked, paved, macadamized, or otherwise in such condition for public travel as the city council of said city may from time to time direct. The portions of the streets or alleys to be so kept and maintained by all such street railway or other railway companies shall include all the space between different rails and tracks, and also a space outside of the outer rail of each outside track of at least two feet in width, and the track herein referred to shall include not only the main tracks, but also all sidetracks, crossings and turn-outs constructed for the use of such street railways and other railways.

4. Special assessments, made and levied to defray the cost and expense of any work or improvements contemplated

by the provisions of this section, and the cost of collection thereof, shall constitute a lien upon and against the property upon which such assessment shall be made and levied, from and after the date thereof, and such assessment shall be collected in the manner prescribed by this act and ordinance. When any special assessment is levied, it shall be the duty of the city clerk to prepare a special assessment roll and to collect said assessments, and such city clerk shall, without delay, give at least five days' notice in one or more newspapers having general circulation in said city, of the time when such assessment will become delinquent. The city clerk shall have the power and authority to sell at public sales all property appearing upon said delinquent roll, and against which said special assessment shall have been levied, for the satisfaction of any such special assessments, and to sell the same upon advertisement and in the same manner as prescribed by the ordinance of said city levying said assessments. If any assessment is set aside by the order of any court, the city council may cause a new one to be made in like manner for the same purpose, for the collection of the amount so assessed.

5. If the first assessment prove insufficient, another may be made in the same manner or, if too large a sum shall at any time be raised the excess shall be refunded ratably, to those by whom it was paid.

SEC. 49. 1. The chief executive officer of Boise City shall be designated the mayor. He shall be at least thirty years old, and a qualified elector of the city for the five years next preceding the day of his election. He shall preside over the council when in session, and shall have authority to preserve order, enforce the rules of the council and determine the order of business, subject to such rules and to appeal to the council. He shall not be entitled to a vote, except in case of a tie, when he shall have the casting vote.

2. The mayor shall exercise the right of veto upon all matters passed by the council, and it shall require a three-fourths vote of the whole council to pass any matter after receiving the mayor's veto.

3. The mayor shall take and approve all official undertakings which this act or any ordinance of the city may require any officer to give as security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract;

and when he approves such undertaking he must immediately file the same with the city clerk, excepting the undertaking of the city clerk, of which he shall be the custodian.

4. No resolution or contract requiring the payment of money, nor any ordinance, shall go into force or be of any effect until approved by the mayor, except as provided in the next subdivision.

5. If the mayor do not approve such resolution or any ordinance so submitted, he must, within three days from the receipt thereof, return the same to the city clerk with his reasons for not approving it, and if the mayor do not so return it, such ordinance shall become a law, and such resolution shall take effect as if he had approved it.

6. The mayor shall vigilantly observe the conduct of all public officers, and take notice of the degree of fidelity with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of the public funds and property. He shall take special care to see that all the books and records of city departments, boards and officers, are kept in legal and proper form, and defalcation or wilful neglect of duty, or any official misconduct which he may discover or which he may be cognizant of shall be laid by him before the common council and city attorney, in order that the public interests may be protected and the person in default be proceeded against according to law. He shall see that the ordinances of the city are observed and enforced.

7. He shall take all proper measures for the preservation of the public order and suppression of all riots and tumults.

8. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfil their agreements or contracts, either in whole or in part.

9. The mayor shall have regular office hours at the city hall for the transaction of the public business.

10. In case an ordinance or resolution of the council shall appropriate money, the mayor may approve one or more of the items in such ordinance or resolution and disapprove another or others. In such case those which he fails to disapprove shall become effective, and those which he shall disap-

prove shall become effective only when again passed by a three-fourths vote of the council, as herein provided in case of a veto upon other matters.

11. All warrants on the treasury shall be signed by the mayor, as well as countersigned by the city clerk and ex-officio auditor.

SEC. 50. The city attorney shall have been a qualified elector of the city for at least one year before his appointment. He shall have been duly admitted to practice in the Supreme Court of Idaho, and shall have been actually engaged in the practice of his profession for a period of at least three years before his appointment. It shall be his duty to promptly and carefully attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion, in writing, whenever required in writing by the mayor, common council, any department or city officer. He shall be the legal adviser of all city officers; he shall draft or approve the form of all official or other bonds given to the city, and all contracts made with the city; he shall draft, whenever requested, by the mayor or common council or any member thereof, any proposed ordinance or resolution or order of the common council and shall do and perform all other things touching his office required of him by the mayor or common council.

SEC. 51. 1. The street commissioner shall have the supervision of all the streets, alleys, public places, sidewalks and water ditches within the city limits. He shall notify any and all persons to remove any obstructions by them placed in or to the streets, alleys, sidewalks or public grounds and to remove or abate any nuisance by them committed in or upon any of the streets, alleys, sidewalks or public grounds, and if the same is not removed or abated at once, he shall immediately report the fact to the mayor.

2. He shall see that all bridges, culverts, gutters and drains are kept in repair, and when the same are out of repair, or require rebuilding, he shall so report to the mayor. He shall also supervise the conduct of water for irrigating and other purposes and see that the streets, alleys and public places are not overflowed or in any manner damaged or obstructed thereby. He may grant permits, under such regulations as the common council may adopt, for the temporary use of part of a street, in front of a new building to be erected, or of an old building to be repaired; for the moving of houses,

or for any other purpose other than the public use of any street.

3. He shall superintend all necessary repairs of public streets, sidewalks, alleys or public grounds whether let by contract or not, and shall perform such other services relating to public works as may be made his duty by law or ordinance.

4. He shall make a monthly report to the mayor and common council, containing a full account of all business transacted by him during the preceding month, stating the names of the men employed in his department during such month, the number of days and the places where each man has worked and wages paid in each instance, and such report shall be open at all times to public inspection.

SEC. 52. 1. The city engineer must have been in active practice of his profession for not less than six years immediately preceding his appointment, and must have had responsible charge of work for at least five years. He shall serve the city exclusively, and shall receive no other compensation than his salary.

2. He shall keep himself informed of the conditions of all public works, including streets and public places; and all plans, surveys, specifications, maps and estimates for the construction, improvement or repair thereof shall be made by him or under his supervision, and he shall supervise the construction, improvement or repair thereof, whether such work be done by contract or otherwise.

3. Before any ordinance is passed relating to the matters in the last sub-division specified, he shall certify in writing to the council as to the suitability of such proposed improvement, construction or repair, and the probable cost thereof.

4. He shall see that the provisions of all contracts, ordinances and regulations relating to construction, improvement and repair as herein specified, are strictly complied with.

5. He shall be in charge of the city sewers and their appurtenances, and shall be responsible for keeping them in good condition and free from obstruction.

6. He shall keep proper records of all matters pertaining to the business of his office, and shall keep all books, notes and maps in his office thoroughly indexed and systematically arranged, in such manner that his work may be taken up at any time by any competent engineer.

7. He shall preserve all profiles, maps and records, notes and data, made or collected by him or under his supervision in the conduct of his department, all of which shall be the property of the city, and shall be turned over by the city engineer to his successor in office.

8. He shall report to the mayor and council from time to time such recommendations regarding matters in his department as he may deem expedient, and shall make special reports on any matters connected with his profession whenever required by the mayor or council, and shall perform such other duties not inconsistent with his employment, as may be prescribed by the common council.

SEC. 53. 1. It shall be the duty of the city clerk to attend all meetings of the council and keep an accurate record of all their proceedings. He shall be custodian of the corporate seal of the city and of all the municipal books, records and papers, except as the custody of the same is not herein otherwise provided for. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and records shall be kept properly indexed and be open to public inspection during office hours.

2. He shall be the general accountant of the city, and shall keep a complete set of books for that purpose. Such books shall exhibit accurate and detailed statements of all moneys received and expended for account of the city and of the property owned by the city, and the income, if any, derived therefrom. He shall keep separate accounts of each appropriation, and of the dates, purpose and manner of each payment therefrom.

3. He shall issue all licenses, and keep a classified record of the same, showing date of issuance and expiration, class and amount. He must draw warrants on the city treasurer in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the city, which have been legally examined and allowed, as herein provided; also for all debts and demands against the city when the amounts are fixed by law or ordinance. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

4. He shall draw and countersign all warrants on the treasury, and no payment of city funds shall be made except on draft or warrant countersigned by him. He shall not coun-

tersign any such draft or warrant until he has found that the payment has been legally authorized, that the money therefor has been duly appropriated, and that such appropriation has not been exhausted.

5. He shall perform such duties required of him by ordinance as may not be inconsistent with the duties of his office.

6. He shall report to the council monthly, the actual condition of each fund in the treasury, and make generally a specific exhibit of the city's financial condition. He shall also make an annual report, showing in detail the source from which the city's resources were derived and how such revenues were expended for the preceding fiscal year, as well as showing in summarized form the city's assets and indebtedness of all kinds. He shall give full information as to the actual condition of the city treasury and every fund thereof, whenever required by the mayor or common council, or any member thereof. All such reports of said clerk are to be verified under oath.

SEC. 54. 1. The treasurer shall receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same only upon the warrant of the mayor countersigned by the auditor. He shall keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it shall be paid out of such fund only.

2. He shall make a sworn monthly statement to the council showing the receipts and disbursements for the preceding months, and the state of each particular fund, at the close of business on the last day of such month, and also an annual report summarizing such matters for the whole year.

3. He shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same, from whatever source received or derived shall be paid by him into the treasury. He shall do and perform such other duties as may be prescribed by ordinance, touching his office and not inconsistent therewith.

SEC. 55. The chief of police, for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, shall have the powers that are now or may be hereafter conferred upon sheriffs by

the laws of this State; and his lawful orders shall be promptly executed by police officers and watchman in the city.

2. He shall execute and return all process issued and directed to him by any legal authority. He shall enforce all ordinances of the city and arrest all persons guilty of a violation of the same, or at once report the fact of such violation to the mayor.

3. He shall have charge of the city prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council.

SEC. 56. There is hereby established a board of public works, to consist of three members, who shall be freeholders and qualified electors of the city, and who shall not hold any other office in the city government. Not more than two of its members shall be appointed from any one political party.

2. Upon the election and qualification of the mayor at the general municipal election in April, 1907, the mayor shall appoint one member of said board to serve for one year, one member to serve for two years, and one member to serve for three years. At the expiration of their several terms of office their successors shall be appointed by the mayor for terms of three years each.

3. The board of public works shall organize by the election of one of their number as president, and by the selection of a secretary, who need not be a member of the board. The secretary shall keep a record of all the meetings and transactions of the board.

4. Any contract authorized by ordinance of the council, involving the payment of more than \$100, for or in relation to the public works of the city, shall be made and let by the board of public works; except as otherwise herein provided.

5. In the making and letting of such contracts the board may require the advice and assistance of any officer of the city, in the line of the duties of his office, and it is hereby made the duty of any such officer to comply with such requirement of the board.

6. No contract shall be valid unless approved by at least two members of the board and signed by the mayor, for which purpose it shall be presented to the mayor by the secretary of

the board: *Provided*, That if the mayor fail to sign such contract within three days after such presentation the matter may be referred to the council, and if the council thereupon by a three-fourths vote of all its members approve such contract, it shall become a valid and binding contract, the same as if approved by the mayor.

7. The board shall report to the council and mayor from time to time such recommendations in regard to the public works of the city as it may deem necessary and proper, and shall perform such other duties in relation to the public works of city as may be authorized or directed by the council, except as otherwise herein provided.

SEC. 57. 1. The judicial power of the city shall be vested in a municipal court and the judge thereof, to be known as the city magistrate, who shall be not less than thirty years of age at the time of his appointment, and a qualified elector of the city for three years immediately preceding such appointment.

2. The municipal court shall always be open for the transaction of business, except on legal holidays. The judge thereof shall have the power to enforce due obedience to all orders, rules, judgments and decrees made by him, and may fine or imprison for contempt offered to such judge while holding his court, or to process issued by him, in the same manner and to the same extent as the district court.

3. The municipal court shall have exclusive jurisdiction in all matters of violations of the city ordinances. It shall have original jurisdiction of all actions brought to recover or enforce any forfeiture or penalty declared by any city ordinance, where the amount involved does not exceed \$500.

4. The salary of the city magistrate shall be his only compensation for services rendered in that office. All fees or compensation received by him in the conduct of his office other than such salary shall be by him accounted for at the end of every month, to the city auditor, and paid over to the city treasurer.

5. Appeals may be taken and shall be allowed from final judgments rendered in the municipal court in all actions, in the same manner and with like effect, that appeals may be taken and shall be allowed from final judgments rendered in justices' courts.

SEC. 58. No supplies, material or other item of expenditure for an amount exceeding \$100 shall be ordered or purchased by any officer, board or department of the city authorized to incur any expenditure, except after first advertising for sealed proposals, and awarding a contract to the lowest and best bidder: *Provided*, That in case of imminent danger to the property or health of the city, the council may by a three-fourths (3-4) vote declare an emergency to exist and thereupon the provisions of this section shall be dispensed with. Each proposal must be accompanied by a certified check in an amount not less than ten per cent of the sum bid, which check shall be forfeited to the city upon the failure of the person, firm or corporation bidding, to enter into the contract awarded. All contracts awarded by the council or any board shall be by ordinance or resolution.

SEC. 59. 1. There is hereby created an auditing committee, which shall consist of the mayor, president of the city council, and city auditor. The president of the council shall be chairman of this committee and the city auditor secretary, but in the absence of either from the meetings of the committee, a temporary chairman or secretary may be chosen by the committee to act.

2. The auditing committee shall hold stated meetings at least twice in each month. It shall be the duty of the committee to examine, and allow or disallow, all claims and demands upon the city which may be presented, except salaries of city officers as fixed by law or ordinance. The city auditor shall not draw a warrant for any claim or demand against the city, except for salaries as aforesaid, unless the same has been approved by a majority of the whole auditing committee.

3. All claims and demands which are subject to the consideration of the auditing committee, as herein provided, shall be presented to the city auditor and sworn and subscribed to before him, or some officer authorized to administer oaths. Such claim or demand must include or be accompanied by a detailed statement of the items constituting it, as a part thereof. When so presented the auditor shall file and number such claims or demands in the order of presentation, and refer them to the auditing committee at its next ensuing meeting. The auditing committee may allow or reject such claims or demands in whole or in part. If allowed, the committee shall designate the particular fund from which any such claim or demand is to be paid, and indorse upon the back thereof

the date of its allowance, and the amount allowed. If rejected, such facts shall be indorsed and the date thereof. These indorsements shall be verified by the signatures of the chairman and secretary of the auditing committee.

SEC. 60. 1. The mayor, auditor, treasurer and president of the council shall constitute and be denominated a Sinking Fund Commission.

2. Any three of the officers named in the last subdivision shall be and are hereby authorized to discharge the trusts and duties hereby vested in them, but shall not receive any additional salary or compensation for such services. The council may require bonds from these officers for the faithful performance of their duties as members of said commission.

3. The sinking fund commission shall negotiate the sale of all bonds of the city, in accordance with the provisions of the ordinance under which such bonds may issue. They shall from time to time invest the money of the city set apart for a sinking fund for the redemption of the city's bonded indebtedness, in the purchase of bonds issued by the city at the market price, not exceeding the par value thereof. If at any time such investment cannot be made, then said commission may invest said funds in interest bearing securities of the county of Ada, or the State of Idaho, or of the United States. No money belonging to the sinking fund shall be loaned to any person or corporation.

4. Whenever any of the moneys constituting the sinking fund shall be required for investment, as above specified, or for the redemption of any city bonds at their maturity, said commission shall report the amount of money so required to the auditor, who shall certify such sum to the city council, and thereupon the council shall authorize an order to be drawn on the treasurer, directing him upon delivery of the securities purchased to pay for the same, or to make the required payment of principal or interest maturing on the said bonds.

5. It shall be the duty of the auditor to keep a correct journal of the proceedings of said commission, to be verified by any three of them, and to render to the city council once every three months, or oftener if required, a full report of the proceedings of the commission. All acts of the commission shall be based on resolutions, duly entered in said journal.

6. In case of vacancy in office, or inability of any of said commissioners to attend to the duties hereby imposed, it shall be the duty of the council to designate by resolution one or more of their number to fill the place of such commissioner or commissioners for the time being.

7. It shall be the duty of said commissioners to protect the credit of the city, direct and superintend the payment of interest and the bonded indebtedness of the city, whenever said interest or bonds may be payable. All bonds and securities purchased by said commission shall be held for safe keeping by the treasurer. City bonds which have matured, been paid, and returned to the treasurer, shall be destroyed in the presence of the commission.

SEC. 61. 1. The rights of the city in and to its streets, avenues, parks, bridges, and all other public places, are hereby declared to be inalienable, except by a three-fourths vote of all the members of the council, approved by the mayor; and no franchise or lease or right to use the same or any part thereof shall be granted for a longer period than twenty years. In addition to any other form of compensation, the holder of such grant shall pay annually to the city treasurer during the first five years of such grant a sum equal to two per cent of its gross receipts, during the second period of five years three per cent of its gross receipts, during the third period of five years four per cent of its gross receipts, and during the remainder of the term of such grant five per cent of its gross receipts.

2. Such grant and any contract in pursuance thereof may provide, that upon the termination of the grant the plans and property of the holder thereof in the streets, avenues and other public places shall be and become the property of the city, but the holder of such grant shall be entitled to no payment because of any valuation derived from the franchise.

3. Every such grant shall specify the mode of determining any valuation therein provided for, at the end of the term, and shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure to the public efficiency of service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

4. No franchise giving a holder of a city franchise additional rights, or the right to extend its system over or in other streets or public places, shall be given for a longer

period than the date when the term of the original franchise expires.

5. No franchise shall be renewed by the city until within the last year preceding its expiration.

6. No exclusive franchise or privilege shall be granted for the use of any street or public place or any part thereof; and no holder of any franchise or privilege shall be entitled to sublet the same, or allow any other to use the same, without the consent of the city, expressed by ordinance.

7. Before any grant of a franchise shall be made, the proposed specific grant, embodied in the form of an ordinance, with all the terms and conditions, including the provisions as to rates, fares and charges, shall be published at the expense of the applicant at least twice in each of two newspapers designated by the mayor, having a general circulation in the city. The last date of such publication shall be at least ten days before the final vote upon such ordinance, and the council shall set a day and hour for a public hearing on the question of the passage of such ordinance not less than five days before the proposed final vote on the same.

8. The city auditor and the mayor, either or both of them, are hereby empowered to inspect and examine, or cause to be inspected and examined, at all reasonable hours, any and all books of account and vouchers of any holder of a city franchise, and to require a sworn statement of any matter pertaining to the financial condition of such holder, in so far as it involves the operation of such franchise, from any officer or servant of a holder of such franchise.

9. Every grantee or holder of a city franchise shall keep itemized books of account, showing in detail all its receipts and expenditures, in such form that any competent bookkeeper may readily ascertain both the gross and net receipts of such holder under such franchise over any period of time, as well as its general financial condition.

10. Every failure or neglect of any holder of such franchise to keep such books or allow such examination or make such sworn statement, as herein specified, or any attempt to deceive any officer of the city in regard to such accounts or financial condition, shall authorize the city to declare a forfeiture of such franchise.

SEC. 62. Assessments for the taxes of Boise City shall be made by the county assessor of Ada county, at the same

time that assessments for State and county taxes are made, and the list of the property in Boise City, and the valuation thereof, shall be so made by the county assessor that the property in said city and the valuation thereof can be separately shown.

SEC. 63. On or before the first Monday in July of each year the county assessor of Ada county shall deliver to the city clerk of said city a statement showing the aggregate valuation of all the taxable property in said city.

SEC. 64. The common council of Boise City shall on or before the first Monday of August in each year, determine the rate of the city tax, levy the same by ordinance, and shall certify the rate and levy to the assessor of Ada county.

SEC. 65. The county commissioners of Ada county, as a board of equalization, shall have power and it is their duty to equalize the city assessment roll for Boise City, at the times and in the manner provided by law for equalizing assessments for State and county taxes.

SEC. 66. The general city taxes of Boise City shall be extended on the general roll by the county assessor, in a separate column, at the rate certified by the common council of Boise City, at the time said State and county taxes and extended, and the whole taxes shall be carried into a column of aggregates and shall be collected by the county assessor and tax collector of Ada county at the times and in the manner provided by law for collecting State and county taxes; and the assessor and tax collector of Ada county shall have the same powers conferred upon him respecting the collection of said city taxes and sale of delinquent property, as are conferred respecting the collection of State and county taxes.

SEC. 67. All county officers of Ada county entrusted with the assessment, collection, paying over and custody of city taxes of said city and their sureties shall be liable upon their official bonds for the faithful performance of their duties in the assessment, collection and safe keeping of said city taxes.

SEC. 68. The county assessor and tax collector of Ada county shall furnish and give a good and sufficient bond, in an amount to be fixed by the board of county commissioners of Ada county, as a protection to said city.

SEC. 69. It shall be the duty of the assessor and tax collector of Ada county to pay over to the treasurer of said Boise City all moneys collected by him on said city taxes as fast as

the same are collected, and on or before the third Monday in July in each year to make a final settlement with the said city treasurer respecting said city taxes, and pay over all moneys then due the city, including also said city's proportionate amount of delinquent city taxes, interest and costs on all tax sales and redemption therefrom. The city treasurer of said city shall give to the assessor and tax collector of said Ada county, duplicate receipts for such payments, and the said assessor and tax collector of Ada county shall give one to the city clerk of said city, and the other shall be an acquittance to such county assessor and tax collector in settling with the city clerk of Boise City, to the extent of the payment shown.

SEC. 70. All general city taxes levied and assessed under the provisions of this act shall become due and delinquent and shall attach to and become a lien on the real property assessed at the same time as State and county taxes; all the provisions of the general revenue laws of Idaho, governing and in aid of assessing and collecting State and county taxes, are hereby made applicable to the assessment and collection of said city taxes, wherever the same is not inconsistent with the provisions of this act.

SEC. 71. Boise City shall pay to said Ada county one and one-half per cent. on the amount of city taxes collected, and such payments shall be in full for the services and compensation of the county assessor and tax collector, and all county officers, in assessing, collecting, equalizing and paying over said city taxes.

SEC. 72. All special assessments levied by said city in payment for the construction of any improvement shall be collected by the city clerk of Boise City.

SEC. 73. All ordinances, resolutions and regulations now in force in Boise City, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

SEC. 74. The incumbents in all offices of Boise City, who shall be in office when this act shall take effect, shall hold under this act their respective offices until their successors are elected and qualified.

SEC. 75. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

SEC. 76. All parts of said acts hereby amended which are inconsistent with this act are hereby repealed.

SEC. 77. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved on the 22nd day of February, 1907.

SENATE BILL NO. 67.

AN ACT

TO PROVIDE FOR THE MANNER OF INDEXING DEEDS MADE BY OFFICERS, ADMINISTRATORS, TRUSTEES, ETC., IN THEIR OFFICIAL CAPACITY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Deeds made by sheriffs, collectors, administrators, trustees, and other officers, in their official capacity, shall be indexed by the recorder in the name of the owner of the property conveyed, as GRANTOR; by the officer; naming him and his office.

SEC. 2. An emergency existing this act shall take effect and be in force from and after its passage and approval.

Approved on the 22nd day of February, 1907.

SENATE BILL NO. 50.

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO SECURE TO THE STATE INTEREST ON STATE MONEYS BY DEPOSITING THE SAME IN BANKS; DEFINING THE DUTIES OF THE TREASURER, GOVERNOR AND SECRETARY OF STATE AND ATTORNEY GENERAL IN RELATION THERETO, PRESCRIBING THE SECURITY TO BE GIVEN AND PROVIDING FOR THE APPROVAL THEREOF; PRESCRIBING PENALTIES FOR A VIOLATION, BY THE STATE TREASURER, AND OTHERS, OF THE PROVISIONS OF THIS OF ANY OTHER ACT RELATING TO STATE

MONEYS, AND FOR A FAILURE ON THE PART OF THE TREASURER TO PERFORM THE DUTIES REQUIRED OF HIM HEREIN, AND REPEALING ALL LAWS IN CONFLICT HEREWITH," APPROVED FEBRUARY 11, 1905, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2 of an act entitled "An act to secure to the State interest on State moneys by depositing the same in banks; defining the duties of the Treasurer, Governor and Secretary of State and Attorney General in relation thereto, prescribing the security to be given and providing for the approval thereof; prescribing penalties for a violation, by the State Treasurer, and others, of the provisions of this or any other act relating to State moneys, and for a failure on the part of the Treasurer to perform the duties required of him herein, and repealing all laws in conflict herewith," approved February 11, 1905, be and the same is hereby amended to read as follows:

SEC. 2. The amount to be paid by any and all banks, under the provisions of this act, for the privilege of keeping such public funds on deposit, shall be computed on the average daily balance of the public moneys kept on deposit therewith, and shall be credited and paid to the State quarterly on the first day of January, April, July and October of each year, and such depository shall, quarterly, on the days aforesaid, render a statement, in duplicate, to the Treasurer and Auditor, showing the amounts so credited.

The Treasurer shall require, and it is hereby made the duty, of every such depository to keep accurate accounts of all such moneys deposited with it, showing the amount deposited and when deposited, and to render, at the beginning of each and every month, to the Treasurer and Auditor a statement, in duplicate, showing the daily balance of the State moneys held by it during the month next preceding, and the interest thereon, and all sums paid to the State for the privilege of keeping said moneys on deposit as aforesaid, shall be apportioned by the Auditor and credited by the Treasurer to the account of the general fund.

SEC. 3. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved on the 22nd day of February, 1907.

HOUSE BILL NO. 32.

AN ACT

REGULATING THE PERIOD OF EMPLOYMENT IN UNDERGROUND MINES AND WORKING AND IN SMELTERS AND ALL OTHER INSTITUTIONS FOR THE REDUCTION AND REFINING OF ORES OR METALS AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The period of employment of working men in all underground mines or workings shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 2. The period of employment of workingmen in smelters, and in all other institutions for the refining or reduction of ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 3. Any person, body corporate, agent, manager or employer who shall violate any of the provisions of Sections 1 or 2 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Approved on the 26th day of February, 1907.

HOUSE BILL NO. 72.

AN ACT

TO PROHIBIT THE ILLICIT CONVEYANCE OF ARTICLES INTO AND FROM THE IDAHO STATE PENITENTIARY. TO PROVIDE A PENALTY FOR THE VIOLATION OF THIS ACT, AND DECLARING AN EMERGENCY TO EXIST THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That if any person delivers or procures to be delivered, or has in their possession with intent to be delivered to a convict of the Idaho State penitentiary, or deposits or conceals in or about the penitentiary or dependencies thereon or upon any lands belonging or pertaining thereto or in any wagon

or other vehicle going into the premises belonging to the said penitentiary, any letter, article or thing with the intent that a convict confined in said penitentiary shall obtain or receive the same, or if any person receives from any convict of said penitentiary any letter, article or thing with intent to convey the same out of the penitentiary contrary to the rules and regulations thereof and without the knowledge and permission of the warden of said penitentiary, or if any person shall purchase, exchange, take or receive from any convict thereof while he may be working outside the walls of said penitentiary any letter, article or thing whether State or other property manufactured or used in and about said penitentiary without the knowledge and permission of the warden of said penitentiary, such person shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding three hundred dollars, or imprisonment in the county jail for a period not exceeding six months or both such fine and imprisonment.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 2, 1907.

HOUSE BILL NO. 109.

AN ACT

ENTITLED AN ACT TO AMEND SECTIONS 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, 18, 19, 26 AND 29 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF DRAINAGE DISTRICTS AND THE CONSTRUCTION AND MAINTENANCE OF A SYSTEM OF DRAINAGE AND TO PROVIDE FOR THE MEANS OF PAYMENT THEREOF, AND DECLARING AN EMERGENCY," APPROVED MARCH 11, 1903; AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an act entitled, "An act to provide for the establishment of drainage districts and the construction and maintenance of a system of drainage and to provide for the means of payment thereof, and declaring an emergency," approved March 11, 1903, be and the same is hereby amended to read as follows:

SEC. 2. For the purpose of the formation of such drainage districts, a petition shall be presented to the board of county commissioners of the county in which said proposed district is located, which petition shall set forth the object for the creation of said district, shall designate the boundaries thereof, and set forth therein approximately the number of acres of land to be benefitted by the proposed drainage system, and shall also contain the names of all the free holders residing within said proposed district (so far as known), and shall contain a brief description of the proposed system of drainage, designating the point or points which shall be the outlet or outlets for the drainage of said district, the route over which the same is to be constructed, together with the proposed spurs or branches, if any there may be, and the termini thereof; and set forth the further fact that the establishment of said district and the proposed system of drainage will be conducive to either the public health, convenience or welfare or increase the public revenue; or that the establishment of said district and said system of drainage will be of special benefit to the majority of the lands in acreage included therein. Said petition shall be signed by such a number as own at least a majority of the acreage in the proposed district, and shall pray that the same be organized under the provisions of this act. Said petitioners shall, at the time of the filing of said petition, file a bond with said commissioners, running to the State of Idaho, in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

SEC. 2. That section 3 of said act be and the same is hereby amended to read as follows:

SEC. 3. Such petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least three successive issues in some weekly newspaper printed and published in said county, and nearest said land; and in case no such newspaper be printed or published in said county, then in some newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such a petition is presented for hearing the board of county commissioners shall hear the same, or may adjourn said hearing from time to time not exceeding one

month in all, and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon the final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed drainage system, the number of free holders residing within said boundaries of said proposed district, and shall find whether the proposed drainage system shall be conducive to either the public health, welfare or convenience or increase the public revenue, or be of special benefit to the majority of the lands included within said boundaries of the said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided further*, That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; setting forth in said petition the reasons therefor: *Provided however*, That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided further*, That any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries. In such case the board of county commissioners shall give the right notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county commissioners deem it advisable and for the best interests of all concerned, they may grant the prayer of such petitioner or petitioners in whole or in part. Any district may be established even though it is shown that an outlet for the drainage thereof is without the county in which dis-

trict is located, or without the boundaries of the State of Idaho, or is in any other State or Territory, or is in a foreign country, and work for the drainage of such district may be contracted for and performed either entirely or partly within the limits of such district or said State, or entirely or partly within the limits of any other State, Territory or foreign country. And the said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence on the final hearing thereof.

SEC. 3. That section 4 of said act be and the same is hereby amended to read as follows:

Section 4. Upon the entry of the findings on the final hearing of said petition as set forth in the last preceding section, said board of county commissioners of said county, if they find said proposed drainage system will be conducive to either the public health, welfare or convenience or will increase the public revenue or be of special benefit to the majority in acreage of the lands included within said boundaries, shall give notice of an election to be held in such proposed drainage district for the purpose of determining whether the same shall be organized under the provisions of this act as a drainage district of the State of Idaho, and for the further purpose of choosing at such election three commissioners who shall be known and designated "Drainage Commissioners" for said district proposed to be organized, which said three commissioners shall, upon their election be the district authorities of said drainage district; and such notice shall particularly describe the boundaries as established by the board of county commissioners on its final hearing of said petition, and shall state the name of such proposed drainage district and approximately the number of acres of land in said district to be benefitted thereby, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published therein, then in some newspaper of general circulation therein, for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of said proposed district; such notice shall designate the place within the proposed district where the election shall be held, and require the voters to cast ballots which shall contain the words,

“Drainage District, Yes,” or, “Drainage District, No,” and also the names of the persons voted for for commissioners of said drainage district. The board of county commissioners shall also appoint two judges, one inspector, and two clerks for such elections, whose compensation shall be the same as in other elections of county and State officers, and shall be a charge upon said district, in case the same be established, and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of said improvement. In case said district be not established, then all costs and expenses shall be collectible on the bond hereinbefore provided for, and any person having the charge against said district shall have a right of action thereon.

SEC. 4. That section 5 of said act be and the same is hereby amended to read as follows:

Section 5. Such election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Idaho, and at such election and all succeeding elections under this act, every natural person of legal age who is the bona fide owner of forty (40) acres, or a smaller tract of real estate within the limits of such district as established by the board of county commissioners, shall be entitled to one vote, and such person shall be entitled to an additional vote for each forty (40) acres of real estate owned as aforesaid in excess of the first forty (40) acres; but if it be found that the foregoing provisions in this section as to qualifications of voters are invalid, then such qualifications shall be as follows: Every natural person of legal age who is a bona fide owner of real estate within the limits of said district, as established by said board of county commissioners, shall be entitled to one vote. The board of county commissioners shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast for it, and if upon such canvass it appears that a majority of the votes cast are for drainage district “Yes,” the board shall have an order entered upon their minutes, and declare such territory duly organized as a drainage district No. (here insert number) of (here insert name of county), of the State of Idaho, and shall declare the three persons receiving respectively the highest number of votes to be duly elected as a board of commissioners of such drainage district. Said board shall cause a copy of said order, duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing

such organization shall be deemed complete, and such board of commissioners so chosen at such election shall be entitled to enter upon the duties of their office, and upon qualifying as county officers are required to qualify, and giving a bond to the State of Idaho for the benefit of said drainage district, for the faithful performance of their duties as such board of drainage commissioners in the penal sum of \$5,000, with two or more sureties, to be approved by the board of county commissioners, shall hold such office until the next general election for the election of officers in such drainage district, and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by the judge of the district court of the county in which said district is located, and shall be filed in said court.

SEC. 5. That section 7 of said act be and the same is hereby amended to read as follows:

Section 7. All drainage districts organized under the provisions of this act shall have the right of eminent domain, with power by and through its board of commissioners, to cause to be condemned and appropriated private property for the use of said corporation in the construction and maintenance of a system of drainage, and make just compensation therefor; to employ engineers and such other assistants as may be necessary, to survey, plan, locate and estimate the cost of the works necessary for the reclamation of the lands of the district; to acquire and to hold by purchase, condemnation or other legal means, the right of way and the right to take material for the construction of all works necessary for the accomplishment of that object, including drains, canals, sluices, bulkheads, water gates, levees and embankments; and to construct and maintain and keep in repair all works requisite and necessary to that end; and for the purpose of the drainage of any such district, the whole or any portion of any natural water course or river, which drains such district, may be diked, improved, enlarged, widened, deepened or straightened, or any natural obstruction may be removed therefrom, and said board of drainage commissioners shall have power to provide by contract for the performance and payment of all or any portion of the work requisite or necessary for the drainage of the lands included within the limits of such district, or to enter into any

contract whereby all or any portion of the cost of such work shall be paid, assumed or undertaken by such district, and to do all things requisite or necessary for the drainage of said lands, and work for the drainage of said lands may be performed either entirely or partly within the limits of such district, or if the county in which such district is located or entirely or partly within or without the boundaries of any other county, State, Territory or foreign country: *Provided*, That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: *Provided further*, That the said board of commissioners shall have power to acquire by purchase all the real property necessary to make the improvements herein provided for.

SEC. 6. That section 8 of said act be and the same is hereby amended as follows:

Section 8. Said board of drainage commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all drainage systems which heretofore have been or hereafter may be organized under the provisions of this act, and shall be the executive officers thereof, with full power to bind such districts by their acts in the performance of their duties as provided by law. In case of vacancy or vacancies occurring in said board by death, failure to elect, failure to qualify or resignation of one or more of the members thereof, such vacancy or vacancies shall be filled at once from among those qualified to vote, under this act, at elections held in said district, by the judge of the district court of said county in which said district is located, and said appointee shall serve the unexpired term or until the next general election: *Provided*, That in counties where there may be more than one district judge, the judge eldest in age shall make such appointment.

SEC. 7. That section 9 of said act be and the same is hereby amended to read as follows:

Section 9. Whenever it is desired to undertake the drainage of any district, such district, by and through its board of commissioners, shall file a petition in the district court of the county in which said district is located, setting forth therein the name of the drainage district and setting forth therein the route and termini of said system, with a complete description thereof together with specifications for its construction, with all necessary plats and plans thereof, together with the estimated cost of such proposed improvement and the amount

or proportion of said cost which will be paid or assumed by such district; and said petition shall also show the names of the land owners, whose lands are to be benefitted by such proposed improvement; the number of acres owned by each land owner; and approximately the amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvements, and that the same will be conducive to either the public health, convenience or welfare or increase the value of said property for the purpose of public revenue. Said petition shall further set forth the names of the land owners through whose land the right of way is desired for said improvement; the amount of land necessary to be taken therefor and a description of said land and an estimate of the value of said lands so sought to be taken for such right-of-way, in the damages sustained by any person or corporation interested therein, if any, by reason of such appropriation, irrespective of any benefits to be derived by such land owners by reason of the construction of said improvement, such estimate shall be made, respectively, to each person through whose land said right-of-way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefitted by said improvement, and all persons or corporations through whose land the right-of-way is sought to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of drainage is necessary to drain said lands described in said petition, and that all lands sought to be appropriated for said right of way are necessary to be used as a right-of-way in the construction and maintenance of said improvements: *Provided, however,* That all maps, plats, field notes, surveys, plans, specifications, or other data heretofore made, ascertained or prepared under laws heretofore enacted on the subject of this act, may be used under the provisions of this act.

SEC. 8. That section 11 of said act be and the same is hereby amended to read as follows:

Section 11. A summons shall be issued stating briefly the objects of the petition and containing a description of the land, real estate premises, or property sought to be appropriated, and the names of the owners thereof, appearing of record, and of all those having any interest appearing of record therein, and the names of those who it claimed will be

benefited by such improvements, and stating the name of the court wherein said petition is filed, the date of the filing thereof and a direction to the defendants to appear and answer the petition within the same time and in the manner provided by law in the case of civil actions, and service and return of said summons shall be had as provided by law in the case of civil actions.

SEC. 9. That section 12 of said act be and the same is hereby amended to read as follows:

Section 12. The procedure in such cases shall be the same as that in the cases provided for in Title VII of Part III of the Revised Statutes of 1887, of the State of Idaho, being the title concerning eminent domain, except as in this act otherwise provided. In addition to the matters set forth in Section 5220, of Title VII of Part III of the Revised Statutes of 1887, of the State of Idaho, the court or jury shall find the amount of benefits per acre to be derived by each of the land owners within said drainage district from the construction of said improvements. In case jurors are required they shall be selected and summoned in the manner provided for the selection and summoning of persons to serve as jurors in the district court by Title III of Part III of the Revised Statutes of 1887 of the State of Idaho: *Provided*, That the parties to the proceedings may agree upon a number of jurors less than twelve, such number to be not less than three: *Provided further*, That no person shall be competent to act as a juror who is a resident of, or land owner in the drainage district which is seeking to appropriate the land in question. Notice of pendency of the action may be filed for record in the same office and in the same manner and form, and with the same effect, set forth in Section 4142 of the Revised Statutes of 1887 of the State of Idaho.

SEC. 10. That section 14 of said act be and the same is hereby amended to read as follows:

Section 14. In case the plaintiff, the drainage district, shall not prove a proper case to entitle it to judgment in its favor the court shall dismiss such proceedings, and in such case judgment shall be rendered for the cost of said proceedings, against said district and no further proceedings shall be had or done therein.

SEC. 11. That section 18 of said act be and the same is hereby amended to read as follows:

Section 18. After the organization of any drainage district, the commissioners of such drainage district shall proceed as soon as they may deem expedient in the construction of said improvements; and in carrying on said construction or any extensions thereof they shall have full charge and management thereof, and shall have the power to employ such assistance as they may deem necessary and purchase all materials that may be necessary in the construction and carrying on of the work of said improvements, and shall have power to let the whole or any portion of said work to any responsible contractor; and shall in such case enter into all necessary agreements with such contractor that may be necessary in the premises: *Provided*, That in case the whole or any portion of said improvements is let to any contractor, said commissioners shall require said contractor to give a bond in double the amount of the contract price of the whole, or of such portion of said works covered by said contract, with two or more sureties to be approved by the board of commissioners of said drainage district and running to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns, according to the terms and conditions of said agreement, and shall cause said contractor to enter into a further additional bond in the same amount, with two or more good and sufficient sureties to be approved by said board of commissioners of said drainage district in the name of said district as obligee therein, conditioned that said contractor, his executors, administrators or assigns, performing the whole or any portion of said work under contract of said original contractor, shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or sub-contractor, or any employe thereof in the construction of said improvement: *Provided further*, That no sureties on said last mentioned bond shall be liable thereon unless the persons or corporation performing said labor and furnishing said materials, goods, wares, merchandise and provisions, shall, within ninety days after the completion of said improvements, file their claim, duly verified, that the amount is just and due and remains unpaid, with the board of commissioners of said drainage district.

SEC. 12. That section 19 of said act be and the same is hereby amended to read as follows:

Section 19. The work on said improvement shall begin at a point or at points to be determined by said commissioners, and said work shall be completed with all expedition possible, and said board of commissioners of such drainage district, or any contractor thereunder, shall have no power whatever to change such route or system of improvements or the manner of doing the work therein so as to make any radical changes in said improvements, without the written consent of all the land owners to be benefited thereby, and the land owners, who may be damaged thereby, and in case any substantial changes in said system of improvement, or the manner and construction thereof, shall be deemed necessary by said board of commissioners at any time during the progress thereof, and if the written consent to such changes cannot be procured from said land owners, then said commissioners for and on behalf of said district shall file a petition in the district court of the county within which said district is located, setting forth therein the changes which they deem necessary to be made in the plans or manner of the construction of said improvement, and praying therein to be permitted to make such changes, and upon the filing thereof, the court shall cause a summons to be served, setting forth the prayer of said petition under the seal of the said court, which summons shall be served in the same manner as the service of summons in the case of the original petition, upon all the land owners or others any lien or interest therein appearing of record in said district, and any or all of said parties so served may appear in said cause and submit their objections thereto, and after the time for the appearance of all said parties has expired the court shall proceed to hear said petition at once without further delay, and if it appears during the course of said proceedings that the property rights of any of said land owners will be affected by such proposed change in said improvements, then the court, after having passed upon all preliminary questions as in the original proceedings, may call a jury to be impanelled in the manner provided by Title III of Part III of the Revised Statutes of 1887 of the State of Idaho, and upon the final hearing of said cause the jury shall return a verdict finding the amount of damages, if any, sustained by all persons and corporations, the same as upon the original petition by reason of such proposed change and the amount of compensation

to be paid to any person or corporations therefor and for any additional right-of-way that may be necessary to be appropriated.

SEC. 13. That section 26 of said act be and the same is hereby amended to read as follows:

Section 26. Upon the establishment of any drainage district under the provisions of this act and the establishment of a system of drainage therein as provided for in this act, the board of commissioners of such drainage district are hereby authorized to issue bonds to pay for the total cost of the work and improvements incurred or to be incurred, or of the part of the work and improvements assumed or contracted for, or to be assumed or contracted for, together with the costs of the organization of said district and the establishment thereof, including damages assessed and compensation made or to be made to land owners for right-of-way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than twenty years from the date thereof; and such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him, which call shall be made by said treasurer immediately upon the receipt of the proceeds from the sale of said bonds by publication for two successive weeks in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: *Provided*, That no bonds shall, under the provisions hereof, be sold for less than their par value.

SEC. 14. That section 39 of said act be and the same is hereby amended to read as follows:

Section 39. The whole or any portion of any natural water course, which drains any district established under this act, or the whole or any portion of any ditch or drainage system already constructed or partially constructed prior to the passage of this act, may be improved and completed as a system under the provisions of this act: *Provided*, That in the improvement of any natural water course the rights of the

public therein for the purpose of navigation shall not be in any wise impaired.

SEC. 15. Whereas, an emergency is declared to exist therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 2, 1907.

HOUSE BILL NO. 196.

AN ACT

GIVING THE PROSECUTING ATTORNEYS THE RIGHT OF FILING NEW COMPLAINTS IN CRIMINAL ACTIONS AND PROCEEDINGS IN THE JUSTICES OR PROBATE COURTS WHERE ORIGINAL COMPLAINTS ARE DEFECTIVE OR VOID.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Whenever it shall appear to the prosecuting attorney of any county of this State that any criminal complaint filed in any justice or probate court is defective or void, the said prosecuting attorney shall have the right to substitute a new complaint, and the defendant or defendants shall not be considered to have been placed in jeopardy by any previous proceedings to the filing of the said new complaint: *Provided*, That said prosecuting attorney shall file said complaint before the case for the prosecution has been closed.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. Whereas, an emergency exists therefor, this act shall take effect the date of the passage of this act.

Approved March 5, 1907.

HOUSE BILL NO. 133.

AN ACT

TO PROVIDE FOR A STATUE IN MARBLE OR BRONZE OF THE LATE SENATOR GEORGE L. SHOUP, NOW DECEASED, AND THAT WHEN SAID STATUE IS SO PROVIDED THE SAME SHALL BE PLACED IN THE OLD HALL OF THE HOUSE OF REPRESENTATIVES IN THE CAPITOL OF THE UNITED STATES AT WASHINGTON; MAKING AN APPRO-

PRIATION FOR PAYING THE EXPENSES THEREOF, AND NAMING A COMMISSION FOR THE PURPOSE OF CARRYING OUT THE PURPOSES OF THE PROVISIONS OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The sum of six thousand dollars is hereby appropriated for the purpose of paying a portion of the expenses incident and necessary towards providing and furnishing a statue in marble or bronze of the late Senator George L. Shoup, now deceased, which said statue, when completed and accepted, shall be placed in the old hall of the House of Representatives in the Capitol of the United States at Washington, for the purpose of partially representing the State of Idaho therein in accordance with the provisions of Section 1814 of the Revised Statutes of the United States.

SEC. 2. There is hereby created a commission, consisting of F. R. Gooding, Governor of the State of Idaho, Honorable W. B. Heyburn, United States Senator for the State of Idaho, Honorable W. E. Borah, United States Senator-elect for the State of Idaho, Honorable Burton L. French, Representative in Congress from the State of Idaho, and Honorable Joseph Perrault, for the purpose of carrying this act into effect.

It shall be the duty of said commission to arrange with some sculptor or other person of skill or renown in his profession qualified to make and create such statue, for the purpose of creating and making the same. Said commission shall have the entire charge and control thereof and of the expenditure of said fund for said purpose and shall have the power to exercise such other authority in the matter as to them may seem proper.

SEC. 3. As soon as said statue is made and provided and accepted by said commission it shall be the duty of said commission to arrange for placing the same in the National Statuary Hall in the Capitol of the United States at Washington there to remain forever as commemorative of the illustrious character and distinguished civil and military services of the late Senator George L. Shoup.

SEC. 4. The commission herein provided for shall receive their actual and necessary expenses connected with or incidental to said services, but shall receive no other pay or emolument.

Approved March 5, 1907.

HOUSE BILL NO. 160.

AN ACT

TO AMEND SECTIONS 1, 2, 3, 4, 7, 8, 9, 10, 16, 17, 18, 19, 23, AND 28 OF AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FISH AND GAME WARDEN AND DEPUTY WARDENS; DEFINING THEIR DUTIES AND FIXING THEIR SALARIES; PROVIDING A SYSTEM OF LICENSES FOR FISHING AND HUNTING AND DEFINING THE DUTIES OF CERTAIN OFFICERS IN RELATION THERETO; ALSO TO ESTABLISH OFFICE OF THE STATE FISH AND GAME WARDEN AT BOISE CITY, IDAHO, AND TO PROVIDE FOR THE PRESERVATION AND PROTECTION OF FISH AND GAME; FOR THE PROTECTION OF THE FORESTS FROM FIRE AND OTHERWISE PRESERVING FISH AND GAME FROM DESTRUCTION, AND PROVIDING THE PENALTY FOR THE VIOLATION OF THIS ACT, TO REPEAL THE LAW PROVIDING FOR PRIVATE GAME AND FISH PARKS," APPROVED MARCH 15, 1899, AND TO APPROPRIATE MONEY FOR THE COMPENSATION AND EXPENSES OF THE STATE GAME WARDEN AND FOR THE COMPENSATION OF DEPUTIES," AND TO PROVIDE FOR PRIVATE GAME AND FISH PARKS AND PONDS AND THE ISSUANCE OF PERMITS FOR THE SALE AND TRANSPORTATION OF ALL KINDS OF FISH PROPAGATED AND GROWN IN PRIVATE PONDS, EXCEPT NATIVE OR MOUNTAIN TROUT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 be amended to read as follows:

Section 1. The Governor shall appoint a suitable person to serve as State Fish and Game Warden, whose duty it shall be to protect the fish and game of this state, and to enforce the laws relating thereto. The State Fish and Game Warden shall hold his office for the term of two years or until his successor is appointed and qualified.

Before entering upon his duties the State Fish and Game Warden shall execute a bond to the State of Idaho in the penal sum of five thousand dollars (\$5,000) conditioned for the faithful performance of his duties, and his bond shall be approved by the Governor. The Governor shall have power at any time to remove the State Fish and Game Warden, at pleasure, for misconduct or neglect of his duties, and the Governor shall be the exclusive judge of misconduct or neg-

lect of duties and shall upon removal appoint a successor. The State Game Warden is hereby authorized to arrest without warrant, any person or persons found violating any of the provisions of the fish and game laws, when detected in the act, or found with fish or game in their possession, at the time of their arrest.

The State Fish and Game Warden shall be an active executive officer, and shall at all times take the field in person in the performance of his duties when possible. And shall personally supervise the protection of all game and fish protected under this act and be energetic in the detection and punishment of the violators of the fish and game laws, and shall make quarterly report to the Governor of the State of his doings under this act beginning with the first day of April and shall keep the Governor informed of his whereabouts, and shall make a biennial report to the Governor and Legislature of the doings and conditions of his office, which report shall be made during the first week of the regular session of the Legislature.

It shall be lawful for the State Fish and Game Warden, or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, or in any manner, under the direction of the State Fish and Game Warden, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes, deemed by him to be in the interest of the fish and game industry of the State. He shall make a detailed report of his official transactions, including the number and kinds of fish distributed and the locality and names of streams, ponds or lakes where the same have been placed, and submit such report to the legislature during the first weeks of its ensuing regular session.

SEC. 2. That section 2 be amended to read as follows:

Section 2. The State Fish and Game Warden shall have power to appoint such deputies as are necessary, in the various counties of this State to properly enforce the laws; and he is hereby authorized to appoint one chief deputy and two assistants, and one or more deputies, as the emergency may demand, in any county of this State, whenever he shall receive from such county a petition signed by ten or more resident tax payers, asking for the appointment of such deputy game warden. And such chief deputy and assistants shall each execute a bond to the State of Idaho in the penal sum

of \$3,000.00, conditioned for the faithful performance of their duties, and such other deputy wardens shall execute a bond to the State of Idaho in the penal sum of \$500.00, conditioned for the faithful performance of their duties, and they shall have the same power to make arrests as the State Fish and Game Warden. Their commissions may be revoked at any time by the State Fish and Game Warden. The State Fish and Game Warden shall file with the Governor a list of all deputy game wardens appointed by him. He shall have further power to appoint one clerk, who shall have charge of the office and perform the clerical duties thereof. Such clerk shall execute a bond to the State of Idaho in the penal sum of \$3,000.00 conditioned for the faithful performance of his duties.

SEC. 3. That section 3 be amended to read as follows:

Section 3. It shall be unlawful for any person or persons to wantonly waste or destroy any of the fish and game of this State, or to take, kill, capture, or destroy any of the game animals or birds in excess of the number hereinafter provided, at any time of the year. Any person, association or corporation may establish, maintain or own a private park, lake or stream for fish or game or both on premises owned by him or it respectively, and to that end may employ means to preserve and propagate such fish and game, and it shall be a misdemeanor to trespass thereon: *Provided*, That no private park or pond shall be established under the provisions of this act so as to contain any lands or waters where wild game or food fishes naturally abound, and shall not be construed so as to permit any person or persons to barter or sell at any time of the year any native or mountain trout, whether raised in private parks or ponds or in any other waters within the State, except fish taken from Bear Lake, as hereinafter provided. It is further provided that the owner or owners of private fish parks or ponds, or any other person or persons may barter or sell any kind of fish raised or grown in such private fish parks or ponds, except native or mountain trout. It is further provided that the owner or owners of such private fish park or pond shall, before selling any fish from the same make application, showing to the State Game Warden, by affidavit describing accurately such pond, where located, when such pond was started and stocked with fish, from whence the fish were procured, the kind of fish to be sold or shipped, the railroad station from where he desires to ship such fish, and upon a satisfactory showing being so made to

the State Fish and Game Warden that such private park or pond is in fact a private park or pond within the meaning of this act, and the fish desired to be shipped have been raised in said pond, and upon the payment of the sum of ten dollars (\$10.00) the State Game Warden shall issue to the owner or owners of such private park or pond a permit to ship such fish. Said permit must contain the date when issued, to whom issued, the number, the name and location of the park or pond from whence the fish are to be shipped, and also the station from which the shipments are to be made. *Provided further,* That in cases where private parks or ponds have been established upon lands and waters where wild game and food fishes naturally abound, prior to January 1, 1903, the State Game Warden may in his discretion, upon an investigation, issue permits and allow the owners of said ponds to sell fish from said ponds not prohibited by this act.

All permits shall continue in force from the date of issuance until the 31st day of January following their issue, and may be revoked at any time by the State Game Warden where he has reason to believe that native or mountain trout have been sold from said ponds, or for any other good cause at his discretion. Such permit shall be issued in triplicate, one copy to be given to the shipper, one to the railroad or express agent at the station from which shipments will be made, and the third copy to be placed on file in the State Game Warden's office. A copy of the bill of lading for each and every shipment must be delivered or mailed to the State Game Warden on the day shipment is made, by the shipper.

It is further provided that it will be a misdemeanor for any express company, railroad company, or other transportation company or common carrier of any kind to receive any fish of any kind whatever for shipment unless they have in their possession a duplicate of such shipping permit above described. And it shall be a misdemeanor to take the fish or spawn from any of the lakes or streams of this State and place them in private ponds or parks at any time of the year and it shall also be a misdemeanor for any person or persons to sell or offer for sale any fish not propagated or grown in a private park or pond as above provided.

SEC. 4. That section 4 be amended to read as follows:

Section 4. It shall be unlawful for any person or persons to catch or kill any species of fish whatever in any of the streams, rivers, lakes, reservoirs or waters of this State with

any seine, net, spear, weir, fence, basket trap, gill net, dip net, or any other contrivance, except in Bear Lake and in that lake only from July 15 to May 1 following: *Provided, however,* That it shall be lawful to catch any kind of fish with the hook and line attached to a pole or held in the hand, at any time of the year. And it is further provided that salmon may be speared or caught on a four inch snag hook. It shall be unlawful to catch any kind of fish through the ice at any time of the year, or to fish within three hundred (300) feet of a fish ladder, in any public water.

It shall be unlawful for any person or persons to sell or offer for sale any species of fish protected by this act, at any time of the year except as provided in section 3 of this act. It is provided, however, that before any person or persons shall use a seine in the waters of Bear Lake such person or persons shall first procure the presence of some person authorized or appointed by the State Game Warden, and such person thus appointed shall receive as compensation not to exceed three dollars (\$3.00) per day from the person or persons drawing the seine, and the fish so caught or taken from said Bear Lake may be sold upon a permit issued by the State Game Warden.

It shall be unlawful for any person to catch from the public waters more than twenty pounds of trout, bass, catfish, grayling or sunfish in any one day, or to have in their possession more than thirty pounds of these fish so taken at any one time to kill or destroy or have in possession for any purpose any trout or black bass from the public waters, less than four inches in length, and the possession of such fish shall be a misdemeanor.

SEC. 5. That section 7 be amended to read as follows:

Section 7. It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any Mongolian pheasants, Canadian grouse, commonly called fool hen, or swan within the State of Idaho for a period of four years next following the passage of this act. It shall be unlawful for any person or persons to kill, or destroy any quail within the State of Idaho, except between the first day of November and the first day of December of each year, or to kill more than eighteen of these birds in any one day, or to sell any at any time. It shall be unlawful for any person to ensnare or trap any of the birds protected by this act at any time of the year.

It shall be unlawful for any person to kill, or destroy any sage hen, except between the first day of August and the first day of December, or for any person to kill more than twelve of these birds in any one day. It shall be unlawful for any person or persons to kill or destroy any species of snipe or plover, except between the 15th day of September and the 1st day of January of each year. It shall be unlawful for any person or persons to kill or destroy any partridge, pheasants, turtle dove, grouse or prairie chicken, except between the first day of September and the first day of December, or for any person to kill more than twelve of these birds in any one day.

It shall be unlawful for any person to kill or destroy any wild duck, except between the 15th day of September and the first day of January, or for any person to kill more than twenty-four of them in any one day. It shall be unlawful for any person or persons to kill or destroy any wild geese, except between the 15th day of September and the 1st day of January, or for any person to kill more than three of them in any one day.

It shall be unlawful for any person or persons to destroy the nests, eggs or young birds of any game bird, or to molest such game birds or their young, during the breeding season, and any person or persons found guilty of destroying the nests, or destroying game birds or their young during the breeding season and when such birds are protected by law, shall be guilty of a misdemeanor.

SEC. 6. That section 8 be amended to read as follows:

Section 8. It shall be unlawful for any person or persons to pursue, capture or kill within the State of Idaho any moose, buffalo, antelope, beaver or caribou at any time. It shall be unlawful for any person or persons to pursue, hunt, or kill any deer, elk, mountain sheep or mountain goat, at any time except between the 15th day of September and the 31st day of December of each year. It shall be unlawful at any time to kill or capture any of the above named animals by means of any pitfall, trap or snare. And it shall be unlawful at any time of the year for any person or persons to hunt, chase, or capture with dogs, any of the animals herein mentioned.

It shall be unlawful for any person or persons to hunt for any kind of game whatever, or fish in the public waters until a license is first procured as provided herein and upon re-

quest of the Game Warden or his deputy such license must be produced for inspection. Any bona fide male citizen over the age of twelve years who has been such for a period of six months preceding the application for a license, upon the payment of \$1.00 to any justice of the peace or probate judge of the county in which he resides, or the State Fish and Game Warden or any deputy warden shall be entitled to receive from the officer to whom such payment is made, a rod and gun license which shall permit such person to pursue, hunt and kill any of the game animals or birds mentioned in this act during the time when it shall be lawful to kill the same, in any of the counties in this State, subject to the limitations as to the number of each kind or animals or birds herein provided, and to catch fish with hook and line according to the provisions of this act.

Such license shall state the name and place of residence of the person holding the same, and shall not be transferred to any other person. Any person who is a non-resident of the State of Idaho shall upon payment to any justice of the peace or probate judge of this State, or the State Fish and Game Warden, or any deputy warden, the sum of twenty-five dollars be entitled to receive from the officer to whom such payment is made a non-resident big game license, which license shall permit such person to pursue, hunt and kill such number of each kind of animals as hereinafter provided during the time, in each current year, when it shall be lawful to kill such animals. Such license shall state the name and place of residence of the holder thereof, and shall not be transferred to any other person.

Any person who is a non-resident of the State of Idaho, shall upon payment to any justice of the peace or probate judge of this State or the State Fish and Game Warden or any deputy warden the sum of five dollars be entitled to receive from the officer to whom such payment is made a non-resident bird license, which shall permit such person to pursue, hunt and kill such number of each kind of birds as herein mentioned, during the time in each year when it shall be lawful to kill such birds, as provided in this act.

Any person regardless of sex, who is a non-resident of the State of Idaho shall, upon payment of one dollar to any justice of the peace or probate judge or to the State Fish and Game Warden or Deputy Warden be entitled to receive from the person to whom such payment is made a non-resident

fishing license, which license shall permit the holder thereof to catch fish with hook and line only, as provided in this act.

Such license shall be substantially in the following form, to-wit:

LICENSE No.

The holder thereof....., whose residence is
....., County of....., State
of....., is hereby permitted to pursue, hunt
and fish within the State of Idaho, subject to the limitations
and restrictions of the game laws of the State of Idaho.

Receipt of \$.....for this license is hereby acknowl-
edged.

The holder thereof.....years of age, is.....feet
.....inches tall, weighs.....pounds, is.....com-
plexioned, and has.....hair and.....eyes. Dated at
.....this.....day of.....190.....

.....
Officer's Signature.

Address.....

Such license shall be printed as directed by the State Auditor, with two stubs, which stubs shall contain the name and residence of the person to whom issued, the number and date and the amount paid therefor, one stub to be retained by the justice of the peace, probate judge, or deputy warden issuing the license and one stub with any mutilated licenses, with all moneys received from such licenses, less twenty cents for each one dollar license; fifty cents for each five dollar license; and two and one half dollars for each twenty-five dollar license, shall be remitted to the State Game Warden on the first day of each month and in case no licenses have been sold, such officer must report in writing to the State Game Warden that no licenses have been sold by him.

Such licenses shall have printed on the back thereof a short synopsis of this act: *Provided*, That all female persons residents of the State of Idaho may take game and fish under the provisions of this act without procuring a license as provided by this act. All licenses issued under the provisions of this act shall expire on the 31st day of January next following the date of their issue.

SEC. 7. That section 9 be amended to read as follows:

Section 9. It shall be unlawful during the open season of the year for any person to hunt, kill or capture, more than one elk, two deer, one mountain sheep, one ibex and one mountain goat, and all licenses issued by any authority of the State as provided for in this act, shall state the number of each kind of animals that may be killed by the holder of such license. Every person who shall have procured and paid for a license, as provided for in this act shall be entitled to the use and possession of the whole or any part of any animals in accordance with the provisions of this act; and any hunter who shall first have procured a license as herein provided shall be entitled to keep and carry or ship within or without the State, the skins, heads, or horns or any parts of animals killed in compliance with the provisions of this act. All such shipments must be accompanied by a sworn statement of the shipper that the same was not procured contrary to any of the provisions of this act, which affidavit shall contain the number and date of the owner's license.

But it shall be unlawful for any person or persons or any corporation or company, or agent, or employe of such company or corporation to sell, or keep or offer for sale, any portion of the carcasses, skins, heads or antlers in excess of the number provided in this act is a misdemeanor: *Provided*, That nothing in this act contained shall apply to a person carrying on the business of taxidermy taking and having in his possession the heads or skins of birds or animals for the purpose of preserving the same, when such heads or skins are accompanied by an affidavit, showing that they were taken from the birds or animals taken or killed in compliance with the provisions of this act.

It shall be unlawful for any person or persons, company or corporation, or agent or employe of such company or corporation to sell, offer or expose for sale, or have in his, its or their possession for the purpose of selling or offering for sale any species of fish or birds protected by this act, or any part of the carcass of any of the protected animals mentioned in this act at any time of the year. And any such person or persons, company or corporation, agent or employe having in his, its or their possession any of the protected animals or fish herein mentioned for the purpose of selling the same shall be guilty of a misdemeanor, except as provided in section 3 of this act.

SEC. 8. That section 10 be amended to read as follows:

Section 10. It shall be unlawful for any person or persons, railway, express company, stage line or other common carrier or any of their agents, or employes to transport or to receive, or to have in his, its or their possession any of the game animals or birds in this act mentioned, or any species of fish protected by this act, for the purpose of transporting the same out of this State, or from any point in this State to any other point for the purpose of offering or permitting the same to be offered for sale, except that it shall be lawful for them to accept and transport to any point, fish from private fish ponds for which a permit has been issued as heretofore provided: *Provided*, That nothing in this act shall be construed to prevent shipping or transporting mounted heads or stuffed birds or animals to any point within the State, when such birds or animals were not taken or killed in violation of the provisions of this act.

SEC. 9. That section 16 be amended to read as follows:

Section 16. It shall be unlawful for any person or persons, association or associations, corporation or corporations or any person whosoever to maintain a dam in any stream in this State, unless a proper fishway is maintained and kept therein at all seasons of the year, at the owner's expense, of sufficient kind and capacity to allow the fish of such stream free and uninterrupted passage up and down the stream, which fishway must be constructed according to plans and specifications that will be furnished by the State Game Warden upon application. The State Game Warden, his deputies, or any officer authorized to enforce the provisions of this act shall open any such dam not containing a proper fishway and keep the same open until a proper fishway is put therein by the owner.

It shall be unlawful for any person or persons, association or associations, corporation or corporations to build or maintain any dam that will be the means of killing or destroying the fish passing up and down said stream.

It shall be unlawful for any person or persons operating any mill, factory, power plant or other manufacturing concern run by water power and having either head or tail races, without first furnishing and maintaining suitable screens or other device to prevent the fish from entering therein; said screens to be built and maintained under the direction of

the State Game Warden and at the expense of said owner or owners or operators of said mill, factory, power plant, or other manufacturing concern. The violation of any of the provisions of this section is a misdemeanor and punishable as such.

SEC. 10. That section 17 be amended to read as follows:

Section 17. That all persons, company, corporation or community of persons, who have heretofore or who may hereafter divert water for irrigation or other beneficial purposes from any of the natural streams, or other natural water courses, shall erect and maintain such appliance or appliances at the head of the ditch or canal, for the purpose of preventing fish from entering the head of such ditch or canal, as the State Game Warden may deem suitable and necessary: *Provided*, That such appliance or appliances shall in no way effect or retard the flow of water in such ditch or canal; and in case of failure or neglect or refusal so to do after ten days' notice in writing has been given said person, company, corporation or community of persons, owning or controlling said ditch or canal, by the State Game Warden or deputy then said appliance or appliances shall be constructed upon the order of the State Game Warden or deputy, and if on demand of the State Game Warden, the owner or owners or those having in control said ditch or canal upon which said appliance or appliances have been so constructed, shall refuse to pay the reasonable expenses thereof then the said State Game Warden or deputy, shall bring suit before any court having competent jurisdiction, in the manner provided by law for the recovery of debt.

SEC. 11. That section 18 be amended to read as follows:

Section 18. Any person who shall have in his possession any game, fish or birds taken unlawfully is guilty of a misdemeanor.

It shall be unlawful to store or receive for storage any game or fish within this State, except as follows, to-wit: During the open season for such game or fish, when the same is stored by the person lawfully in possession thereof and any person receiving such game or fish for cold storage shall be guilty of a misdemeanor if they have in their possession any such game after the close of the open season of such game. And it shall be unlawful for any person to receive such fish and game for cold storage without first receiving from the

owner his affidavit setting forth the facts required to be set forth in the affidavit provided for in section 9 of this act.

Any game warden, sheriff, constable or other officer of the law may at any time seize and take into his custody any game or fish or any portion of the same, which he may find at any time in the possession of any person, company or corporation during the time the killing of such fish or game is not permitted by the laws of the State.

All seines, nets, tackle, powder, explosives, lime, poisons, drugs and other means and devices for unlawful fishing, taking or killing of fish of any kind, found in the possession of any person who may be detected in unlawfully taking fish from any of the waters of the State, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seines, nets, powder, explosives, lime, poisons, drugs and other means and devices for taking or killing fish are used, or were about to be used, or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be ordered sold by the magistrate at public or private sale and the proceeds must be turned over to the State Game Warden to be applied to the fish and game fund: *Provided*, That this section shall not apply to any stuffed carcasses, heads or horns, or skins of animals or birds which were taken or captured during the season allowed therefor.

SEC. 12. That section 19 be amended to read as follows:

Section 19. Any person or persons, company or corporation, agent or employe who shall wilfully violate any part of any of the provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29 or 30, or any section or provision whatever of this act shall be guilty of a misdemeanor and upon a conviction thereof shall be fined in a sum not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) and the costs of the prosecution, or by imprisonment in the county jail for a period not to exceed six months, or may be punished by both such fine and imprisonment within the discretion of the court: *Provided however*, That any person or persons, company or corporation, agent or employe, who shall violate any of the provisions in regard to the sale or shipping of fish shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) for each offense or impris-

oned in the county jail for a period not less than sixty (60) days nor more than six months, or may be punished by both such fine and imprisonment; and: *Provided further*, Any person or persons, company or corporation, agent or employe convicted of selling or shipping fish in violation of the provisions of this act shall forfeit his permit therefor.

SEC. 13. That section 23 be amended to read as follows:

Section 23. The State Fish and Game Warden shall receive as full compensation for salary the sum of eighteen hundred dollars (\$1800.00) per annum, and one thousand dollars (\$1000.00) per annum for traveling expenses. The chief deputy shall receive as compensation twelve hundred dollars (\$1200.00) per annum and shall be allowed actual and necessary traveling expenses not to exceed six hundred dollars (\$600.00) per annum. And each assistant shall receive one thousand dollars (\$1000.00) per annum and actual and necessary traveling expenses not to exceed six hundred dollars (\$600.00). The clerk to the State Fish and Game Warden shall receive a salary of one thousand dollars (\$1000.00) per annum as full compensation for his services. The State Fish and Game Warden, chief deputy and two assistants and the clerk shall be paid monthly on the first of each month out of the public treasury. And the chief deputy, two assistants and the clerk shall be paid upon their sworn statements, which accounts shall be approved by the State Game Warden. All other deputy wardens shall each receive as compensation the sum of three dollars (\$3.00) per day for each day actually employed, but shall not be entitled to receive any traveling or other expenses, except when he is sent out of his district and such expenses shall be subject to approval by the State Game Warden, and shall not receive pay for more than one hundred and fifty days in one year; such compensation to be paid out of the public treasury upon the sworn account of the deputy, which account shall be approved by the State Fish and Game Warden, and forwarded to the State Auditor: *Provided*, That as soon as sufficient funds are accumulated in the State fish and game fund in the hands of the State Treasurer, the salary of the State Game Warden and the salaries of the deputy wardens and clerk shall be paid out of that fund.

SEC. 14. That section 28 be amended to read as follows:

Section 28. There is hereby appropriated all of the money now standing to the credit of the State fish and game fund and all moneys which may be received during the coming two

years under the provisions of this act, for the purpose of paying the salaries of the various officers provided by this act, and for paying the traveling expenses provided for in this act and for the expenses of the office of the State Fish and Game Warden, and for the purpose of importing, propagating and protecting fish and game.

All acts and parts of acts in conflict herewith are hereby repealed, and,

Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 4, 1907.

HOUSE BILL NO. 80.

AN ACT

TO AMEND SECTION 15 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE GOVERNMENT AND MAINTENANCE OF THE PENITENTIARY, AND FOR THE CARE AND CUSTODY OF STATE PRISONERS," APPROVED FEBRUARY 2, 1899; PROVIDING FOR THE SALARIES AND COMPENSATIONS OF THE OFFICERS AND EMPLOYES OF SAID PENITENTIARY OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY TO EXIST THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 15 of an act entitled "An act to provide for the government and maintenance of the penitentiary, and for the care and custody of state prisoners," approved February 2, 1899, be amended to read as follows:

Section 15. There shall be paid to the officers and employes of the penitentiary the following yearly salaries and compensations, to-wit: To the warden, the sum of one thousand eight hundred dollars; to the deputy warden, the sum of one thousand two hundred dollars; and board and quarters as provided in section 42 of this act; to the physician and assistant keepers and guards, such sums as the board of prison commissioners deem proper and just: *Provided*, That the board of prison commissioners shall not pay the guards and keepers more than seventy-five dollars per month and board. All bills and supplies and services rendered to the penitentiary shall be

paid monthly out of the State treasury on warrants of the state auditor.

SEC. 2. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1907.

HOUSE BILL NO. 71.

AN ACT

PROVIDING FOR THE CREATION OF HERD DISTRICTS; PRESCRIBING THE METHOD OF THEIR CREATION; EMPOWERING BOARDS OF COUNTY COMMISSIONERS TO MAKE ORDERS DEFINING THE BOUNDARIES OF SUCH DISTRICTS AND PREVENTING CERTAIN ANIMALS FROM RUNNING AT LARGE THEREIN AND TO VACATE AND MODIFY SUCH ORDERS; PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH ORDERS; PRESCRIBING A CIVIL ACTION FOR DAMAGES AGAINST THE OWNERS OF SUCH ANIMALS RUNNING AT LARGE; AND PROVIDING A METHOD OF TAKING INTO CUSTODY AS STRAYS SUCH ANIMALS RUNNING AT LARGE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The board of county commissioners of each county in the State shall have power to create "herd districts" within such county, as hereinafter provided; and when such district is so created, the provisions of this act shall apply and be enforceable therein.

SEC. 2. A majority of the qualified electors of any district, which district may include one or more voting precincts or parts of one or more voting precincts, may petition the board of county commissioners in writing to create such district a "herd district." Such petition shall describe the boundaries of the said proposed herd district, and shall designate what animals of the species of horses, mules, asses, cattle, swine, sheep and goats it is desired to prohibit from running at large in such district; and may designate the period of the year during which it is desired to prohibit such animals from running at large.

SEC. 3. It shall be the duty of the board of county commissioners, after such petition has been filed, to set a date

for hearing said petition, notice of which hearing shall be given by posting notices thereof in three conspicuous places in the proposed herd district, and by publication for two weeks previous to said hearing in a newspaper published in the county nearest the proposed herd district.

SEC. 4. At such hearing, if satisfied that a majority of the electors of said proposed herd district are in favor of the enforcement of the herd law therein and that it would be beneficial to said district, the board of commissioners shall make an order creating such herd district, in accordance with the prayer of the petition, or with such modifications as it may choose to make. Such order shall specify a certain time at which it shall take effect, which time shall be at least thirty days after the making of said order; and said order shall continue in force, according to the terms thereof, until the same shall be vacated or modified by the board of commissioners, upon the petition of a majority of the electors of said district.

SEC. 5. The provisions of sections 1 and 4 of this act shall not be construed to confer upon the board of county commissioners any jurisdiction over animals otherwise prohibited from running at large under existing laws.

SEC. 6. Any person who shall, in violation of any order made pursuant to the provisions of section 4 of this act, permit or allow any of the animals designated in such order, owned by him or under his control, to run at large in such herd district, shall be deemed guilty of a misdemeanor. The pendency of any such action shall not prevent nor prejudice the bringing of another action against the same party for a violation of such order committed after the commencement of such pending action.

SEC. 7. The owner of animals permitted or allowed to run at large in violation of any order made in accordance with the provisions of section 4 of this act, shall be liable to any person who shall suffer damage from the depredations or trespasses of such animals, without regard to the condition of his fence; and the person so damaged shall have a lien upon said animals for the amount of damage done, and the cost of the proceedings to recover the same, and may take the same into custody until all such damages are paid: *Provided*, That the person so taking said animals into custody shall not have the right to retain the same for more than five days without commencing an action against the owner thereof

for such damages. Said damages may be recovered by a civil action before any court of competent jurisdiction, and no such action shall be defeated or affected by reason of any criminal action commenced or prosecuted against the same party under the provisions of section 6 of this act.

SEC. 8. Any person may take into custody any of the animals specified in the said order of the board of commissioners that may be about to commit a trespass upon the premises owned, occupied or in charge of such person, and retain the same until all reasonable charges for keeping said animals are paid: *Provided*, That it shall be the duty of the person so taking said animals into custody to notify the owner or person in charge of the same within five days thereafter, and if the owner or person in charge of them shall not be known to the person so taking said animals into custody, and cannot be found after diligent search and inquiry, he may proceed in the manner provided for the taking up and disposal of strays.

Approved March 5, 1907.

HOUSE BILL NO. 59.

AN ACT

TO REGULATE THE PRACTICE OF THE SYSTEM, METHOD OR SCIENCE OF TREATING DISEASES KNOWN AS OSTEOPATHY, AND CREATING A BOARD OF EXAMINATION AND REGISTRATION FOR THE REGULATING OF THE SAME, AND PROVIDING PENALTIES FOR THE VIOLATIONS OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Within thirty days after this act goes into effect, the Governor shall appoint five persons who are reputable practitioners of osteopathy, selected from a number of not less than fifteen who are recommended by the State Osteopathic Association; the recommendation of the president and secretary being sufficient proof of the appointee's standing in the profession; and said appointees shall constitute the first Board of Osteopathic Examination and Registration. Their term of office shall be so designated by the Governor that the term of one member shall expire each year. Thereafter in each year the Governor shall, in like manner, appoint one person to fill the vacancy thus created in the board at that time

from a number of not less than five who are recommended by State Osteopathic Association; the term of said appointee to be for the term of five years. A vacancy occurring from any cause shall be filled by the Governor for the unexpired term in the same manner as last above stated. The board shall, within thirty days after its appointment by the Governor, meet in the city of Boise, and organize by electing a president, secretary and treasurer, each to serve for one year. Thereafter the election of such officers shall occur annually. The treasurer and secretary shall each give bond approved by the board for the faithful performance of their respective duties, in such sum as the board may, from time to time, determine. The board shall have a common seal, and shall formulate rules to govern its actions; and the president and secretary shall be empowered to administer oaths. The board shall meet in the city of Boise at the call of the president in the month following the election of its officers, and in June of each succeeding year and at such other times and places as a majority of the board may designate. Three members of the board shall constitute a quorum, but no certificate to practice osteopathy shall be granted on an affirmative vote of less than three. The board shall keep a record of its proceedings and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the degree of doctor of or diplomate in osteopathy; the date of his or her diploma; and also whether the applicant was rejected, or diploma granted. The record and register shall be prima facie evidence of all matters recorded therein.

SEC. 2. Any person before engaging in the practice of osteopathy in this State shall, upon the payment of a fee of twenty-five dollars, make application for certificate to practice osteopathy to the Board of Osteopathic Examination and Registration on a form prescribed by the board, giving: First, his name and age, which shall not be less than twenty-one years, and residence; second, evidence that such applicant shall have, previous to the beginning of his course in osteopathy, a certificate of examination for admission to the freshman class of a reputable literary or scientific college, a diploma from a high school, academy, state normal school, college or university, approved by the aforesaid board; third, the date of his or her diploma and evidence that such diploma was granted on personal attendance and completion of a course of not less than four terms of five months each, and after 1908 of three

terms of not less than nine months each in three separate years; fourth, the name of the school or college of osteopathy from which said applicant was a graduate and which shall have been in good repute as such at the time of granting his or her diploma, as determined by the board. The board may, in its discretion, accept as the equivalent of any part or all of the second, third and fourth requirements, evidence of five or more years of reputable practice of osteopathy: *Provided*, Such substitution be specified in the certificate. If the evidence thus set forth and to which the applicant shall be required to make affidavit shall meet the requirements of the board as prescribed by its rules, then the board shall require the applicant to submit to an examination as to his qualification for the practice of osteopathy, which shall include the subjects of anatomy, physiology, physiological chemistry, toxicology, osteopathic pathology, osteopathic diagnosis, hygiene, osteopathic obstetrics and gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the board may require. If such examination is passed in a manner satisfactory to the board or with a grade of seventy-five per cent, then the board shall issue to said applicant a certificate granting him or her the right to practice osteopathy in the State of Idaho. All examination papers shall be recorded and kept by the board. Any person failing to pass such examination may be re-examined at any regular meeting of the board within one year from the time of such failure, without additional fee: *Provided*, That any person having a diploma from a legally chartered school or college of osteopathy which was in good standing at the time of issuing said diploma as defined by the board, and who shall meet the requirements of the board in other respects, who is in active practice in this State at the time of the passage of this act, may, upon payment of a fee of two dollars, be granted a certificate by the board to practice osteopathy in this State without examination, if the application for such certificate is filed within ninety days after the passage of this act: *Provided further*, That a physician's certificate issued by a reputable school of osteopathy to a graduate from a reputable school of medicine after an attendance of not less than two terms of five months each may be accepted by the board on the same terms as a diploma, and the holder thereof be subject to the same regulations in all other respects as other applicants before the board: *Provided*, That after the year 1908, he shall have attended two terms of not less than nine months each

in two separate years; *Provided further*, That the board may, in its discretion, dispense with an examination in the case, first, of an osteopathic physician duly authorized to practice osteopathy in any other state or territory or the District of Columbia who presents a certificate of license issued after an examination by the legally constituted board of said state, territory, or District of Columbia, accorded only to applicants of equal grade with those required in this State; or second, an osteopathic physician who has been in the actual practice of osteopathy for five years, who is a graduate of a reputable school of osteopathy, who may desire to change his residence to this State and who makes application on a form to be prescribed by the board accompanied by a fee of twenty-five dollars. The secretary of the board may grant a temporary permit until a regular meeting of the board or to such time as the board can conveniently meet, to one whom he considers eligible to practice in the State and who may desire to commence the practice immediately. Such permit shall only be valid until legal action of the board can be taken. In all of the above provisions the fee shall be the same as charged to applicants for examination except to those who are practicing in the State at the time of the passage of this act.

The board may refuse to grant a certificate to any person convicted of a felony or of unprofessional conduct or who is addicted to any vice to such degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause.

SEC. 3. All fees shall be paid in advance to the treasurer of the board to be held by him as a fund for the use of said Board of Osteopathic Examination and Registration.

The compensation and expenses of the officers and members of said board and all expenses proper and necessary, in the opinion of said board, to discharge its duties under and to enforce the law shall be paid out of said funds upon warrants of the president and secretary of said board, and no expense shall be created to exceed the income of fees or fines as hereby provided. The salaries shall be fixed by the board, but shall not exceed ten dollars per day and railroad and hotel expenses.

SEC. 4. Osteopathic physicians shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases; reporting and certifying the births and deaths; and all matters pertaining to public health

the same as all other schools of medicine, and such reports shall be accepted by the officers of the district to whom the same are made.

SEC. 5. Every person holding a certificate from the State Board of Examination and Registration shall have it recorded in the office of the recorder of the county in which he or she expects to practice. Until such certificate is filed for record the holder shall exercise none of the rights or privileges therein conferred. Such certificate shall be recorded as are other medical certificates and for the same fee.

SEC. 6. Any person who shall practice or pretend or attempt to practice or use the science or system of osteopathy in treating diseases of the human body by fraud or misrepresentation; or any person who shall buy, sell or fraudulently obtain any diploma, license, record or registration to practice osteopathy, illegally obtained, or signed or issued unlawfully or under fraudulent representation; or shall use any of the forms or letters "osteopathy," "osteopath," or "osteopathist," "Diplomate in Osteopathy" "D. O.," "D. Sc. O.," "Osteopathic Physician," "Doctor of Osteopathy" or any other title or letters, either alone or with other qualifying words or phrases under such circumstance as to induce the belief that the person using such term or terms is engaged in the practice of osteopathy; without having complied with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars for each offense or not less than three months nor more than six months in the county jail.

Approved March 5, 1907.

HOUSE BILL NO. 90.

AN ACT

TO AMEND SECTIONS 1301 OF THE REVISED STATUTES OF IDAHO, 1887, AS AMENDED BY AN ACT APPROVED MARCH 14, 1901; AND TO AMEND SECTIONS 1303 OF THE REVISED STATUTES OF IDAHO, 1887; RELATING TO LAWFUL FENCES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1301, of the Revised Statutes of Idaho, 1887, as amended by an act of the Legislature, ap-

proved March 14, 1901, (section 675, Idaho Political Code, 1901), be and the same is hereby amended to read as follows:

Section 1301. Lawful fences are described as follows:

Section 1. If made of stone, four feet high, two feet base, and one foot thick on top.

Section 2. If it be a worm fence, the rails must be well laid and at least four feet high.

Section 3. If made of posts, with boards, rails, or poles, the posts must be well set in the ground and not more than eight feet apart, with not less than three six-inch boards, or rails, or poles not less than two and one-half inches in diameter at the small end; if four poles are used, they must not be less than two inches in diameter at the small end. The top board, rail or pole must not be less than four feet from the ground, the spaces well divided, and the boards, rails, or poles securely fastened to the posts; if poles not less than three inches in diameter at the small end are used, the posts may be set twelve feet apart.

Section 4. If wire be used in the construction of fences, the posts must not be more than twenty-four feet apart, set substantially in the ground, and three substantial stays must be placed at equal distances between the posts, and all wires must be securely fastened to each post and stay with not less than three barbed wires, or four coiled spring wires of not less than No. 9 gauge. The bottom wire shall be not more than twenty-one inches from the ground, and the other wires a proper distance apart. The wires must be well stretched and the fence not less than forty-seven inches high. If all woven wire fencing is used, the top and bottom wire must not be less than No. 9 gauge, or two No. 13 gauge wire twisted together. With intermediate bars not less than twelve inches apart and of not less than No. 14 gauge wire, and the stay wires not more than twelve inches apart, and the top wire not less than forty-seven inches from the ground. If woven wire less in height is used, it must be brought to the height of forty-seven inches by additional barbed wires, or coiled spring wire of not less than No. 9 gauge, and not more than twelve inches between the wires; *Provided*, That if barbed wire only is used and the posts are not more than sixteen feet apart no stays need be used.

Section 5. If made in whole or in part of brush, ditch pickets, hedge, or any other materials, the fence, to be lawful

must be equal in strength and capacity to turn stock, to the fence above described.

Section 6. All fences in good repair, of suitable material, and of every description, and all creeks, brooks, rivers, sloughs, ponds, bluffs, hills or mountains, that present a suitable obstruction to stock are deemed a lawful fence.

SEC. 2. That section 1303 of the Revised Statutes of Idaho 1887, (section 677, Idaho Political Code, 1901), be and is hereby amended to read as follows:

Section 1303. Each adjoining land owner, unless both otherwise agree, or unless other arrangements have heretofore been made must construct and keep in repair that half of the line fence between their respective tracts of land which is to his left when he is standing on his own land facing the other; unless the owner of one of said tracts choose to allow his land to be unenclosed; *Provided*, That one party may, for his own convenience, strengthen, or render hog-tight, the whole or any part of said fence by stretching one or more additional wires thereon or otherwise; in which event the other shall not be liable for his proportion of the additional cost; but, *Provided further*, If one of the parties shall render such fence hog-tight and the other shall at any time use his field for the pasture of hogs, sheep or goats, without a herder, such other shall become liable as a joint user or owner, and shall, upon demand of the party building the high-tight fence, pay his just proportion thereof.

"In case viewers are appointed, as provided in section 1305 of the Revised Statutes of Idaho, 1887, the report of such viewers must be in conformity with this section."

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 5, 1907.

HOUSE BILL NO. 58.

AN ACT

TO AMEND SECTION 4809 OF THE REVISED STATUTES OF THE STATE OF IDAHO, PROVIDING THAT DEFECTS AND INSUFFICIENCIES IN UNDERTAKINGS ON APPEAL BE DEEMED WAIVED UNLESS NOTICE IN WRITING BE GIVEN THEREOF AND ALLOWING THE APPELLANT TO FILE A NEW UNDERTAKING IN CERTAIN CASES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That Section 4809 of the Revised Statutes of the State of Idaho be amended to read as follows:

Section 4809. The undertaking on appeal must be in writing and must be executed on the part of the appellant, by at least two sureties, to the effect that the appellant will pay all damages and costs which may be awarded against him on the appeal, or on a dismissal thereof, not exceeding three hundred dollars; or that sum must be deposited with the clerk with whom the judgment or order was entered, to abide the event of the appeal; *Provided*, That when more than one appeal in the same action whether from the judgment and an appealable order or orders, or from two or more appealable orders, are taken at the same time, but one such undertaking or deposit for damages and costs need be filed or made. If any undertaking be insufficient or defective in any respect, such insufficiency or defect shall be deemed waived unless the respondent within twenty days after the filing of such undertaking, shall file and serve upon the appellant or his attorney a notice in writing pointing out specifically the defects and insufficiencies of such undertaking. No defect or insufficiency not thus specifically pointed out, shall subsequently be urged against the undertaking or the appeal. The appellant may within five days after such service of said notice, file a new undertaking which shall be in lieu of the one previously filed.

Approved March 5, 1907.

HOUSE BILL NO. 79.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TWENTY-ONE THOUSAND DOLLARS AND APPROPRIATING THE PROCEEDS THEREOF TO THE ACADEMY OF IDAHO FOR CONSTRUCTING ADDITIONAL BUILDINGS OF SAID ACADEMY, AND PROVIDING A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME BECOMES DUE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of erecting and equipping suitable buildings and making certain improvements for

the Academy of Idaho, a loan of twenty-one thousand dollars (\$21,000.00) is hereby authorized to be negotiated by a board consisting of the Governor, the Treasurer, the Secretary of State, and the Attorney General of the State of Idaho, upon the faith and credit of the State of Idaho.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed, immediately upon the passage of this act, to issue forty-two (42) bonds of the State of Idaho, to be known as "The Academy of Idaho Improvement Bonds of 1907," in the sum of five hundred dollars (\$500.00) each, payable in twenty (20) years after the date of their issuance, to bear interest at a rate not to exceed four (4) per centum per annum, payable semi-annually on the first days of January and July in each year at the office of the State Treasurer in Boise City, State of Idaho, or at some bank in the city of New York to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho, at any time after the expiration of ten years from the date of their issuance. Said bonds shall be plainly numbered from one (1) to forty-two (42) consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purpose of this act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character and shall be authenticated by the great seal of the State, and shall also be signed, or endorsed, by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of the issuance of said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such a manner that they may be taken off without injuring or mutilating the bonds and shall be severally numbered from one (1) to forty (40), each bearing also the corresponding number of

the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser, or purchasers, upon the receipt of the purchase money therefor; and the money received from the sale of said bonds, shall be by said Treasurer placed in a certain fund to be known as "The Academy of Idaho Improvement Fund of 1907." None of said bonds, however, shall be sold for less than their face or par value. The expense of printing or lithographing and procuring the said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the principal and interest of said bonds an annual ad valorem tax or four (4) mills on each one hundred dollars (\$100.00) of the assessed valuation of all property in the State, not exempt from taxation, is hereby levied, and shall be collected as taxes for state purposes are collected and shall be paid into and constitute a fund to be known as "The Academy of Idaho Sinking Fund of 1907," from which fund the State Treasurer shall pay the interest coupons attached to the said bonds as the same becomes due and, upon any interest pay day, beginning with the twentieth, pay also as many of the said bonds themselves as there may be moneys then in the said "The Academy of Idaho Sinking Fund of 1907," to pay, after reserving therein a sum sufficient to meet the semi-annual installment of interest next falling due.

SEC. 6. If at any time there shall not be sufficient money in the said "The Academy of Idaho Sinking Fund of 1907," to pay the interest coupons attached to said bonds when due the State Treasurer shall pay the same out of the general fund of the State, and shall replace the amount of "The Academy of Idaho Sinking Fund of 1907," whenever there shall be in said fund moneys sufficient for such purpose.

SEC. 7. For the payment of the bonds herein authorized and the interest thereon according to the strict terms hereof the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as the same shall accrue on the bonds hereby authorized in lawful money of the United States the Treasurer of the State of Idaho shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except other

bonds authorized by previous acts of the Legislature and the interest thereon.

SEC. 8. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of moneys so received, and the State Auditor shall thereupon apportion and credit the said moneys to the said "The Academy of Idaho Improvement Fund of 1907."

SEC. 9. All moneys paid or to be paid into the said "The Academy of Idaho Improvement Fund of 1907," are hereby appropriated to the Academy of Idaho to be used for the following purposes:

For building a wing on the main building..	\$17,500
For building an infirmary.....	3,500
Total	\$21,000

SEC. 10. All moneys appropriated by the provisions of this act shall be expended and the accounts therefor audited and paid in the manner provided in the act establishing said academy.

SEC. 11. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 94.

AN ACT

PROVIDING FOR THE ISSUING OF STATE BONDS TO THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS FOR THE ADDITIONAL BUILDINGS AND IMPROVEMENTS OF THE NORTHERN IDAHO INSANE ASYLUM, PRESCRIBING HOW THE PROCEEDS OF THE SALE OF SAID BONDS SHALL BE EXPENDED, AND PROVIDING A SINKING FUND FOR THE PAYMENT OF SAID BONDS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing money for the additional buildings and improvements of the Northern Idaho Insane Asylum, a loan of forty-five thousand dollars

is hereby authorized to be negotiated by a board of negotiators consisting of the Governor, the Secretary of State, the Attorney General and the State Treasurer of the State of Idaho, on the faith and credit of said State.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed, immediately upon the passage of this act to issue bonds as follows: Forty-five bonds to be known as the Northern Idaho Insane Asylum Building and Improvement Bonds to be for the sum of one thousand dollars each. All of said bonds shall be payable twenty years after the day of their issuance, and shall bear interest at a rate not to exceed four per cent per annum, payable semi-annually on the first days of January and July of each year, at a bank in the City of New York to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance; said Northern Idaho Insane Asylum building and improvement bonds shall be numbered from one (1) to forty-five (45) consecutively.

SEC. 3. That the State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purpose of this act. All such bonds shall be signed by the Secretary of State with his own proper name affixing his official character and shall be authenticated by the great seal of the State and shall be countersigned by the Governor of the State with his own proper name affixing his official character and shall then be delivered by the Secretary of State to the State Auditor who shall make and keep a register of such bonds showing the number and amount of each bond and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of such bonds.

SEC. 4. That at the time of the issuing of said bonds under the provisions of this act the State Auditor shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds and shall be severally numbered from one (1) to forty (40) each bearing the corresponding number of the bonds to which it is attached. The Treasurer shall keep

a record of all bonds issued by him, showing the date of issuance, and shall deliver said bonds with the coupons attached as aforesaid to the purchaser or purchasers, upon the receipt of the purchase money therefor; and the money received from the sale of said bonds shall be by said Treasurer placed in a certain fund to be known as "The Northern Idaho Insane Asylum Building and Improvement Fund." The expense of procuring said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay interest and principal of said bonds, an annual ad valorem tax of five mills on each one hundred dollars (\$100.00) of the assessed valuation of all property in the State not exempted from taxation is hereby levied, and shall be collected as other taxes for State purposes.

SEC. 6. It is hereby provided that any money received from the sale of State land set aside for the use and benefit of the Northern Idaho Insane Asylum after paying the interest and principal of the bonds heretofore provided under the act of House Bill No. 179 of the Eighth Session of the State Legislature of Idaho, which provided for a loan of thirty thousand dollars (\$30,000), shall be applied to the payment of the bonds herein provided for.

SEC. 7. If at any time there should not be sufficient money in the said Northern Idaho Insane Asylum Building and Improvement Bonds Fund to pay the interest coupons on the principal of such bonds when due, the State Treasurer shall pay the same out of the general fund of the State and shall replace the amount so paid, out of the Northern Idaho Insane Asylum Building and Improvement Bonds Fund whenever moneys for said fund shall be received.

SEC. 8. For the payment of bonds herein authorized and the interest thereon according to the strict terms thereof, the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as same shall accrue on the bonds thereby authorized in lawful money of the United States, the Treasurer shall reserve any and sufficient funds in his hands, at the least possible cost in preference to all other claims whatsoever except the other bonds heretofore authorized by the Legislature of Idaho.

SEC. 9. The Treasurer shall commence negotiations for the issuance and sale of the bonds herein provided for, immediately upon the passage and approval of this act.

SEC. 10. That at any time after ten years from the issuance of said bonds whenever there shall be five thousand dollars (\$5,000) of said sinking fund the Treasurer of the State shall make a call by publication for sixty (60) days in some daily newspaper of this State, notifying all the parties interested that certain bonds of "The Northern Idaho Insane Asylum Building and Improvements Bonds" provided by this act, giving their number, will at a certain date be paid at the office of said Treasurer and the bonds so called shall cease to bear interest from and after the date in the call so specified.

SEC. 11. All moneys received on account of the sale of any of said bonds authorized by this act are hereby appropriated exclusively for the use and benefit of the Northern Idaho Insane Asylum at Orofino, Idaho.

SEC. 12. The expenditure of the moneys by this act appropriated shall be under the direction of the board of directors now by law invested with the control and management of said asylum.

SEC. 13. Moneys received from the sale of said bonds shall be drawn from the State Treasury only upon warrants issued by the State Auditor on accounts certified by the appropriate board and approved by the State Board of Examiners.

SEC. 14. Whereas, an emergency exists this act shall take effect and be in force from and after its passage.

Approved March 7, 1907.

HOUSE BILL NO. 119.

AN ACT

PROVIDING FOR THE ISSUANCE OF STATE BONDS TO PROVIDE MONEY FOR THE ERECTION OF A GIRLS' COTTAGE, BOYS' COTTAGE, EAST WING FOR ADMINISTRATION BUILDING AND PROCURING A WATER SUPPLY AT THE IDAHO INDUSTRIAL TRAINING SCHOOL; PROVIDING HOW THE PROCEEDS OF SAID BONDS SHALL BE EXPENDED; LEVYING A TAX TO MEET THE PRINCIPAL AND INTEREST OF SAID FUND AND PROVIDING FOR THE CREATION OF A SINKING FUND AND PROVIDING THE CREATION OF A SINKING FUND.

Be It Enacted By the Legislature of the State of Idaho:

SEC. 1. That for the purpose of providing money for the

erection of a girls' cottage, boys' cottage, East wing for Administration building and procuring a water supply at the Idaho Industrial Training School (formerly the Idaho Industrial Reform School) a loan of fifty thousand (\$50,000) dollars is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho, and the State Treasurer is hereby authorized, directed and empowered to issue fifty (50) bonds of the State of Idaho, in the sum of one thousand (\$1,000) dollars each, payable in twenty (20) years from the date of the issuance, to bear interest at a rate not to exceed four per cent per annum, payable semi-annually on the first of April and October of each year at a bank in New York City; to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of issuance. Said bonds shall be numbered from one to fifty consecutively.

SEC. 2. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached. All such bonds shall be signed by the Secretary of State with his own proper name and he shall affix his official character, and authenticated with the great seal of the State of Idaho, and shall be countersigned by the Governor with his own proper name and he shall affix his official character, and shall then be delivered by the Secretary to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and shall then be delivered to the State Treasurer, who shall be charged on the official books of the State Auditor's office with the amount of such bonds.

SEC. 3. At the time of the issuance of such bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name and affix his official character, and shall in like manner sign the coupons attached, and such signing shall bind the State.

The coupons for the payment of interest, shall be taken off without injuring or mutilating the bonds, and shall be severally numbered from one (1) to fifty (50) inclusive, each bearing the corresponding number to the bond to which it is attached.

The State Treasurer shall keep a register of all bonds issued by him, showing the date of issuance, and shall deliver said

bonds with the coupons attached as aforesaid to the purchaser or purchasers upon the receipt of the purchase money thereof; and the money received from sale of the bonds herein provided for, shall be used to defray the cost of endowing a girls' cottage, boys' cottage, east wing for Administration building and procuring a water supply at the Industrial Training School; *Provided*, That none of said bonds shall be sold for less than their face value. The expenses of printing said bonds shall be paid out of the proceeds of said bonds.

SEC. 4. For the purpose of creating a fund to pay interest and principal of said bonds, an annual ad valorem tax of two mills on each one hundred (100) dollars of the assessed valuation of all property in the State not exempt from taxation, is hereby levied, and shall be collected as other taxes for State purposes.

SEC. 5. If at any time there should not be sufficient money in the said Idaho Industrial Training School Fund to pay the interest coupons on the principal of such bonds when due, the State Treasurer shall pay the same out of the general funds of the State, and shall replace the amount so paid out of the Idaho Industrial Training School Fund whenever money for said funds shall be received.

SEC. 6. For the payment of bonds herein authorized and the interest thereon according to the strict terms thereof, the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as the same shall accrue on the bonds thereby authorized in lawful money of the United States, the Treasurer shall reserve any and sufficient funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the other bonds heretofore authorized by the Legislature of Idaho.

SEC. 7. The Treasurer shall commence negotiations for the issuance and sale of the bonds herein provided for, immediately upon the passage and approval of this act.

SEC. 8. At any time after ten years from the issuance of said bonds, whenever there shall be two thousand (\$2,000) dollars in said sinking fund the Treasurer of the State shall make a call by publication for sixty (60) days in some daily newspaper in this State notifying all parties interested that certain bonds of the Idaho Industrial Training School Bonds, third series, provided by this act, giving the number of said bonds, will, on a date fixed in said notice, be paid on presentation at the office of said Treasurer in the City of Boise,

Idaho, and the bonds so called shall cease to bear interest from and after the date in said call specified.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 10. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 231.

AN ACT

APPROPRIATING FIFTY THOUSAND DOLLARS TO DEFRAY THE EXPENSES ARISING FROM AND INCIDENTAL TO THE TRIAL OF THE PERSONS ACCUSED OF THE MURDER OF EX-GOVERNOR FRANK STEUNENBERG; THE MANNER OF PAYMENT OF SUCH EXPENSES AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of fifty thousand dollars to defray the expenses arising from, and incidental to the trial of the persons accused of the murder of ex-Governor Frank Steunenberg.

SEC. 2. All claims payable under the provisions of this act before being paid, shall be presented to and passed upon by the State Board of Examiners, and allowed and paid as other claims against the State are paid.

SEC. 3. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 218.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE AGGREGATE SUM OF ONE HUNDRED AND TWENTY THOUSAND DOLLARS, AND APPROPRIATING THE PROCEEDS THEREOF TO THE UNIVERSITY

OF IDAHO FOR REBUILDING AND EQUIPPING A PORTION OF THE MAIN OR ADMINISTRATION BUILDING AND FOR OTHER EQUIPMENT AND IMPROVEMENTS, AND AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX FOR PROVIDING A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE INTEREST THEREON.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of rebuilding and equipping a portion of the main or administration building of the University of Idaho and for making certain improvements and providing certain equipment herein specified for the said University loans in the aggregate amount of one hundred and twenty thousand (\$120,000.00) dollars are hereby authorized to be negotiated by a board consisting of the Governor, the Treasurer, the Secretary of State and the Attorney General of the State of Idaho, upon the faith and credit of the State of Idaho, at such times and in such amounts as is hereinafter provided.

SEC. 2. The State Treasurer is hereby authorized, empowered and directed on September 1, 1907, to issue twenty (20) bonds of the State of Idaho to be known as "University of Idaho Rebuilding and Equipment Bonds, Series A," in the sum of one thousand (\$1,000.00) dollars each, payable in one year after the date of their issuance, to bear interest at a rate not to exceed six (6) per cent per annum, payable semi-annually on the first days of March and September in each year, at the office of the State Treasurer in Boise, State of Idaho, or at some bank in the city of New York, to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho, at any time after the expiration of six months from the date of their issuance. Said bonds shall be plainly numbered from one (1) to twenty (20) consecutively.

The State Treasurer is also hereby authorized, empowered and directed on September 1, 1907, to issue forty (40) bonds of the State of Idaho, to be known as "University of Idaho Rebuilding and Equipment Bonds, Series B," in the sum of one thousand (\$1,000.00) dollars each, payable in two years after the date of their issuance to bear interest at a rate not to exceed six (6) per cent per annum payable semi-annually on the first days of March and September in each year at the office of the State Treasurer in Boise, Idaho, or at

some bank in the city of New York, to be selected by the State Treasurer, said bonds, however, to be redeemable at the option of the State of Idaho, at any time after the expiration of six months from the date of their issuance. Said bonds shall be plainly numbered from one (1) to forty (40) consecutively.

The State Treasurer is also hereby authorized, empowered and directed on September 1, 1908, to issue sixty (60) bonds of the State of Idaho, to be known as "University of Idaho Rebuilding and Equipment Bonds, Series C," in the sum of one thousand (\$1,000.00) dollars each, payable in two years after the date of their issuance to bear interest at a rate not to exceed six (6) per cent per annum, payable semi-annually on the first days of March and September in each year at the office of the State Treasurer in Boise, Idaho, or at some bank in the city of New York, to be selected by the State Treasurer, said bonds, however, to be redeemable at the option of the State of Idaho, at any time after the expiration of six months from the date of their issuance. Said bonds shall be plainly numbered from one (1) to sixty (60) consecutively; *Provided always*, That in the issue of the bonds provided by this act the constitutional limit of State indebtedness be not exceeded, and that the retirement of outstanding bonds, or the increase of the assessed valuation of the State, or both, occurring between the date of passage of this act and the dates of issuance of said bonds, be sufficient to bring the issues of bonds provided in this act within the constitutional limit of State indebtedness.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purpose of this act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character and shall be authenticated by the great seal of the State, and shall also be signed, or endorsed, by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of the issuance of said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name, affixing his official character and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds and shall be severally numbered from one (1) to four (4), each bearing also the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser, or purchasers, upon the receipt of the purchase money therefor; and the money received from the sales of said bonds, shall be by said Treasurer placed in a certain fund to be known as "The University of Idaho Rebuilding and Equipment Fund." None of said bonds, however, shall be sold for less than their face or par value. The expense of printing or lithographing and procuring the said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the principal and interest of said bonds as they become due by the terms thereof the State Board of Equalization is hereby empowered and directed to levy sufficient annual ad valorem taxes on each dollar of the assessed valuation of all property in the State, not exempt from taxation, to meet such principal and interest as they mature, which taxes shall be collected as taxes for State purposes are collected, and shall be paid into and constitute a fund to be known as "The University of Idaho Rebuilding and Equipment Sinking Fund," from which fund the State Treasurer shall pay the interest coupons attached to the said bonds as the same become due and, at any time after the first interest pay day shall also pay as many of the said bonds themselves as there may be moneys then in the said "The University Rebuilding and Equipment Sinking Fund," to pay, after reserving therein a sum sufficient to meet the semi-annual installment of interest next falling due on the bonds unpaid.

SEC. 6. If at any time there shall not be sufficient money in the said "The University of Idaho Rebuilding and Equipment Sinking Fund," to pay the interest coupons attached to said bonds when due the State Treasurer shall pay the same

out of the general fund of the State, and shall replace the amount from "The University of Idaho Rebuilding and Equipment Sinking Fund," whenever there shall be in said fund moneys sufficient for such purposes.

SEC. 7. For the payment of the bonds herein authorized and the interest thereon according to the strict terms hereof the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as the same shall accrue on the bonds hereby authorized in lawful money of the United States the Treasurer of the State of Idaho shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except other bonds authorized by previous acts of the Legislature and the interest thereon.

SEC. 8. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of moneys so received, and the State Auditor shall thereupon apportion and credit the said moneys to the said "The University of Idaho Rebuilding and Equipment Fund."

SEC. 9. All moneys paid or to be paid into the said "The University of Idaho Rebuilding and Equipment Fund" are hereby appropriated to the University of Idaho to be used for the following purposes:

For building and equipping a portion of the main or administration building of the University of Idaho.....	\$100,000
For purchase of books for library.....	9,000
For purchase and installing of equipment and machinery of ore mill.....	5,000
For testing machine for civil engineering department	1,500
For repairs to building and grading.....	1,000
For mounting and placing specimens do- nated for educational purposes.....	500
For permanent improvements for auxiliary station at Caldwell.....	3,000
Total	\$120,000

SEC. 10. No moneys shall be paid by the State Treasurer out of "The University of Idaho Rebuilding and Equipment Fund," except on warrants drawn on said fund by the State Auditor.

SEC. 11. The State Auditor shall issue warrants on "The University of Idaho Rebuilding and Equipment Fund" only on proper vouchers approved by the president or vice-president and secretary of the board of regents and certified by the State Board of Examiners.

SEC. 12. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 199.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF THIRTY THOUSAND DOLLARS, AND APPROPRIATING THE PROCEEDS THEREOF TO THE CONTINUANCE OF THE CONSTRUCTION OF THE CAPITOL BUILDING AT BOISE, IDAHO, AND PROVIDING FOR THE LEVY OF A TAX TO PAY THE PRINCIPAL AND INTEREST OF SAID BONDS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. A loan of thirty thousand dollars is hereby authorized to be negotiated upon the faith and credit of the State of Idaho, for the purpose of continuing the construction of the new capitol building at Boise, Idaho.

SEC. 2. For the purpose of securing the payment of said loan, the State Treasurer is hereby authorized, empowered and directed to issue bonds of the State in the sum of five hundred dollars each, payable in twenty years from the date of their issuance, to bear interest at a rate of not to exceed four per cent per annum, payable semi-annually on the first days of January and July in each year, at a place to be selected by the State Treasurer. Said bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten years from the date of their issuance, and they shall be numbered from one to sixty consecutively. The State Treasurer shall cause to be printed or lithographed suitable bonds in proper form, with coupons attached. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated with the great seal of the State, and shall be signed by the Governor

of the State in his proper name and with his official character affixed, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the same to the State Treasurer, and charge him on the official books of the auditor's office with the full amount of such bonds.

SEC. 3. At the time of issuing such bonds the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to such bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to forty inclusive, each bearing the corresponding number of the bond to which they are attached. The State Treasurer shall keep a register of all the bonds issued by him under this act, showing the date of issuance, and shall deliver said bonds, with the coupons attached as aforesaid, to the purchaser or purchasers upon receipt of the purchase money therefor, and the money received from the sale of such bonds shall be then available for the purpose prescribed by this act. *Provided*, That none of such bonds shall be sold for less than their face or par value. The expense of printing or lithographing such bonds with coupons attached, shall be paid out of the proceeds thereof. All moneys received from the sale of such bonds must be placed to the credit of the Public Building Endowment Fund.

SEC. 4. For the purpose of creating a fund to pay the interest coupons and the principal of said bonds, in addition to the taxes now imposed by law, an annual ad valorem tax of three mills upon each one hundred dollars of the assessed value of all property in this State not exempt from taxation, is hereby levied, and shall be collected as other taxes for State purposes are collected, and shall be paid into and constitute a fund to be known as "The Public Building Endowment Fund of 1907."

SEC. 5. The State Treasurer shall pay the interest on said bonds when due out of said fund, taking the coupons as his vouchers therefor. After the expiration of ten years from the issuance of any of said bonds, whenever there shall be \$5,000 in the said Public Building Endowment Fund of 1907, over and above the amount required for the payment of interest coupons due or to become due within the ensuing six

months, the State Treasurer shall use such surplus money in the redemption of said bonds in the order of their number and date of issue, of which said Treasurer shall give notice by publication once a week for four successive weeks, in some newspaper published at the state capital, and from the date of the last publication of said notice, the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within sixty days from the date of the last publication of such notice, the Treasurer shall apply the money to the redemption of bonds next in number.

SEC. 6. If at any time there shall not be sufficient money in the said Public Building Endowment Fund of 1907 to pay the interest coupons or the principal of such bonds when due, the State Treasurer shall pay the same out of the general fund of the State, and shall replace the amount so paid out for said Public Building Endowment Fund of 1907 whenever moneys intended for said fund shall be received.

SEC. 7. If at any time prior to the time when the bonds herein provided for shall become subject to redemption, the amount of money in said Public Building Endowment Fund of 1907 shall exceed the amount required for the payment of interest coupons of such bonds, due or to become due within the next ensuing twelve months, the State Treasurer shall use such surplus in payment of any warrants drawn upon him by the State Auditor, and presented for payment and not paid for want of money in the fund upon which they are drawn properly applicable thereto, and shall register and endorse such warrants as provided by section 238 of the Revised Statutes of Idaho, and place the same so endorsed to the credit of said Public Building Endowment Fund of 1907; and such warrants shall bear interest and be payable in due course as other outstanding warrants, and when paid the principal and interest thereof shall belong to said fund, and shall be in like manner re-invested until said bonds become redeemable as aforesaid.

SEC. 8. For the payment of the bonds herein authorized and the interest thereon, according to the strict terms thereof, the faith of the State of Idaho is solemnly pledged; and for the payment of the interest as the same shall accrue on the bonds hereby authorized, in lawful money of the United States, the State Treasurer shall reserve any and sufficient of the funds in his hands at the least possible cost, in preference to all other claims whatsoever, except the interest on other state

bonds heretofore issued under laws passed by the Legislature of the State of Idaho.

SEC. 9. The State Treasurer shall commence negotiations for the issuance and sale of the bonds herein provided for, immediately upon the passage of this act.

SEC. 10. All warrants drawn upon the Public Building Endowment Fund shall draw interest at the same rate as warrants drawn upon the general fund of the State Treasury.

SEC. 11. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 163.

AN ACT

PROVIDING FOR THE PRESERVATION OF THE RECORDS, HISTORY, RELICS AND MEMENTOES OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF IDAHO, PROVIDING FOR ROOMS AS HEADQUARTERS FOR SAID PURPOSE, AND PROVIDING FOR THE PAYMENT BY THE STATE OF EXPENSES INCURRED IN THE CARRYING OUT OF SAID PURPOSE, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That there shall be set apart a suitably furnished room or rooms in the state house, or in some other public building in the city of Boise, which room or rooms shall be under the charge of the Commander of the Grand Army of the Republic, Department of Idaho, and of the Assistant Adjutant General of said department and their successors in office, and said room or rooms shall be used by said officers for the purpose of headquarters and for storing the supplies and property of the department, for storing and exhibiting relics and mementoes of the Civil War, and for arranging and preserving the history of citizens of this State who served in the army, navy or marine corps of the United States during the Civil War, and any other literature which said department of the Grand Army of the Republic may collect and desire to preserve as a part of the history of this State. And such records and exhibits shall be accessible at all times, under suitable rules and regulations, to members of the Grand Army

of the Republic, and others engaged in collecting historical information, and to persons desirous of viewing said exhibits.

SEC. 2. That the books of record, papers, relics, mementoes and other effects of whatever nature belonging to the said Department of Idaho of the Grand Army of the Republic shall, whenever said department ceases to exist as a department organization, become the property of the State.

SEC. 3. That the State assume, and hereby does assume the expenses of printing and postage and traveling expenses incurred by the Department of Idaho of the Grand Army of the Republic in carrying out the objects and purposes set forth in section 1 of this act; *Provided*, That said expenses shall not exceed the amount of three hundred dollars (\$300.00) in any one year.

SEC. 4. That the State assume, and hereby does assume the expenses of maintaining and furnishing the headquarters provided for in section 1 of this act, including the salary of the Assistant Adjutant General who shall have charge of such headquarters; *Provided*, That said expenses including said salary shall not exceed the amount of six hundred dollars (\$600.00) in any one year.

SEC. 5. An emergency existing therefor, this act shall take effect from and after its passage.

Approved March 7, 1907.

HOUSE BILL NO. 65.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF FIFTY THOUSAND DOLLARS, AND APPROPRIATING THE PROCEEDS THEREOF TO SUPPLYING A PORTION OF THE FUNDS NECESSARY FOR ERECTING AND REBUILDING THE MAIN BUILDING OF THE UNIVERSITY OF IDAHO AND AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX FOR PROVIDING A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE INTEREST THEREON, AS THE SAME BECOME DUE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of supplying a portion of the funds necessary for erecting and rebuilding the main

building of the University of Idaho, a loan of fifty thousand dollars (\$50,000) is hereby authorized to be negotiated by a board consisting of the Governor, the Treasurer, the Secretary of State, and the Attorney General of the State of Idaho, upon the faith and credit of the State of Idaho.

SEC. 2. The Treasurer of the State of Idaho is hereby authorized, empowered and directed, immediately upon the passage of this act, to issue fifty bonds of the State of Idaho, to be known as "The University of Idaho Rebuilding Bonds of 1907," in the sum of one thousand dollars (\$1,000) each, payable in twenty years after the date of their issuance to bear interest at a rate not to exceed four (4) per centum per annum, payable semi-annually on the first days of January and July of each year at the office of the State Treasurer in Boise City, State of Idaho, or at some bank in the City of New York to be selected by the State Treasurer; said bonds however, to be redeemable at the option of the State of Idaho, at any time after the expiration of ten years from the date of their issuance. Said bonds shall be plainly numbered from one to fifty consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purpose of this act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character and shall be authenticated by the great seal of the State, and shall also be signed, or endorsed by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of the issuance of said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner as they may be taken off without injuring or mutilating the bonds and shall be severally numbered from one to fifty, each bearing also the corresponding number of the bond to which

it is attached. The Treasurer shall keep a register of all bonds by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser or purchasers upon receipt of the purchase money therefor; and the money received from the sale of said bonds, shall be by said Treasurer placed in a certain fund to be known as "The University of Idaho Rebuilding Fund of 1907." None of said bonds however, shall be sold for less than their full face or par value. The expense of printing or lithographing and procuring the said bonds with coupons attached shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the principal and interest of said bonds an annual ad valorem tax of four (4) mills on each one hundred dollars (\$100) of the assessed valuation of all property in the State, not exempt from taxation, is hereby levied, and shall be collected as taxes for State purposes are collected and shall be paid into and constitute a fund to be known as "The University of Idaho Sinking Fund of 1907," from which fund the State Treasurer shall pay the interest coupons attached to said bonds as the same become due, and, upon any interest pay day, beginning with the twentieth, pay also as many of the said bonds themselves as there may be moneys then in the said "The University of Idaho Sinking Fund of 1907" to pay, after reserving therein a sum sufficient to meet the semi-annual installment of interest next falling due.

SEC. 6. If at any time there shall not be sufficient money in the said "The University of Idaho Sinking Fund of 1907," to pay the interest coupons attached to said bonds when due the State Treasurer shall pay the same out of the general fund of the State, and shall replace the amount so paid out of "The University of Idaho Sinking Fund of 1907," whenever there shall be in said fund moneys sufficient for such purpose.

SEC. 7. For the payment of bonds herein authorized and the interest thereon according to the strict terms hereof the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as the same shall accrue on the bonds hereby authorized in lawful money of the United States the Treasurer of the State of Idaho shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, ex-

cept other bonds authorized by previous acts of the Legislature and the interest thereon.

SEC. 8. When moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of moneys so received, and the State Auditor shall thereupon apportion and credit the said moneys to the said "The University of Idaho Rebuilding Fund of 1907."

SEC. 9. All moneys paid or to be paid into the said "The University of Idaho Rebuilding Fund of 1907," are hereby appropriated to the University of Idaho to be used for the following purposes:

For the erection and construction of a main University building to take the place of the one destroyed by fire, fifty thousand dollars.

SEC. 10. All moneys appropriated by the provisions of this act shall be expended and the accounts therefor audited and paid in the manner provided in the act establishing said university.

SEC. 11. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

SENATE BILL NO. 63.

AN ACT

TO AMEND SECTION 293 OF THE REVISED STATUTES OF THE STATE OF IDAHO, THE SAME BEING SECTION 244 OF THE POLITICAL CODE, RELATING TO THE FEES OF NOTARIES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 293 of the Revised Statutes of the State of Idaho, the same being section 244 of the Political Code, relating to fees of notaries, be and the same is hereby amended to read as follows:

Section 293. The fees of notaries are as follows: For drawing and copying every protest for non-payment of a promissory note, or for the non-payment or

non-acceptance of a bill of exchange, draft or check, three (\$3.00) dollars; said sum shall be in full payment for all fees for services of such notaries for drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft or check, or for recording every protest, or for any other services necessary by such notaries in connection therewith; for taking an acknowledgement or proof of a deed or other instrument, to include the seal and the writing of the certificate, fifty (\$.50) cents; for administering and certifying an oath, twenty-five (\$.25) cents; for every certificate under seal, to include writing the same, fifty (\$.50) cents.

SEC. 2. Whereas, an emergency exists therefor, this act shall be in force and take effect from and after its passage and approval.

Approved March 2, 1907.

SENATE BILL NO. 32.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF NEZ PERCE COUNTY TO AUDIT AND ALLOW ANY AND ALL CLAIMS AGAINST SAID COUNTY FOR ASSISTANCE AND CARE RENDERED PERSONS SICK AND QUARANTINED WITH SMALLPOX IN THE VILLAGE OF NEZ PERCE DURING THE WINTER OF 1902 AND 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the board of county commissioners of Nez Perce County, in the State of Idaho, are hereby authorized and empowered to audit any and all claims against said county for assistance and care rendered persons sick and quarantined with smallpox in the village of Nez Perce, Idaho, during the winter of 1902 and 1903, of said county, and to allow and to pay any or all of such claims out of the current expense fund of said county, in such amounts as then may deem just and reasonable.

SEC. 2. Whereas, an emergency exists, this act shall take effect from and after its passage and approval.

Approved March 2, 1907.

SENATE BILL NO. 96.

AN ACT

AUTHORIZING A JUSTICE OF THE PEACE TO APPOINT AND DEPUTIZE A SPECIAL CONSTABLE IN HIS PRECINCT IN CASES OF NON-RESIDENCE, ABSENCE OR INCAPACITY OF ANY LEGALLY QUALIFIED CONSTABLE THEREIN, PROVIDING IN WHAT CASES SUCH SPECIAL CONSTABLE WILL BE REQUIRED TO GIVE A BOND AND THE NATURE THEREOF AND REQUIRING SAID JUSTICE TO RECORD IN HIS DOCKET ALL SUCH APPOINTMENT AND THE SPECIFIC AND SPECIAL PURPOSES THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. When a legally qualified constable does not reside in any precinct, is absent therefrom or is otherwise incapacitated or prevented from performing the duties of his office, any Justice of the Peace residing in said precinct is hereby authorized and empowered to appoint and deputize any person therein to act as special constable with full power and authority to perform such duties of constable as said justice may specifically order or designate; *Provided*, That before serving any writ of attachment, making any levy under a writ of execution, or making any arrest in a civil action, such specially appointed constable shall be required to give a good and sufficient bond in form and amount as required from a regularly elected constable, the same to be first approved in writing thereon by such justice of the peace and thereafterward filed with the county recorder.

SEC. 2. Any justice of the peace appointing and deputizing any person to act as special constable as provided in the preceding section shall make a record thereof in his docket and shall designate therein the specific and special purposes for which the appointment is made.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1907.

SUBSTITUTE FOR SENATE BILL NO. 4.

AN ACT

TO DEFINE THE TERM GARNISHEE, AND TO PROVIDE FOR PROCEEDINGS IN CASES OF GARNISHMENT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Any person who has been served with a copy of the writ and notice as provided in sections 4307, 4308, 4309, 4477, 4688, 4689 or 4744 of the Revised Statutes of Idaho shall be deemed a garnishee, and service of copy of writ and the notice therein provided for, shall for the purpose of this act be deemed to be notice of garnishment, and whenever any person shall have been served with notice of garnishment as herein defined, he may discharge himself by paying or delivering to the officer all debts owing by him to the defendant or a portion thereof sufficient to discharge the claim of the plaintiff, or any or all money of the defendant in his hands to a similar amount, taking a receipt therefor from the officer which shall discharge such person from any and all liability to the extent of such payment, and which shall be held by the officer subject to the orders of the court out of which the writ issued.

SEC. 2. Written interrogatories which may be in the following form may be delivered to the garnishee at the time of serving notice of garnishment:

1st. At the time of the service of the garnishment, had you in your possession, or under your control any property, money or effects of the defendant? If so, state what property, how much, and of what value, and what money or effects?

2nd. At the time of the service of the garnishment, did you owe the defendant any money, or do you owe him any now? If so, state how much, on what account, and when did it become due? If not due, when will it become due?

To these may be added any other proper and pertinent questions the answers to which might tend to show a liability on the part of the garnishee to the defendant.

SEC. 3. Upon a copy of the interrogatories being served upon him, the garnishee shall make full and true answer to the same under oath and filed in the cause within five days thereafter. If he fails to do so, the plaintiff may take judgment against him by default, or the court may, upon motion, compel him to answer by attachment. But no final judgment shall be rendered against the garnishee until there shall be a final judgment against the defendant; nor shall judgment be rendered for a greater amount than the debt claimed by the plaintiff with interest and costs, nor for a greater amount than the garnishee shall appear to be liable for the defendant; nor

shall execution issue against a garnishee until the maturity of his debt to the defendant.

SEC. 4. The plaintiff may except to the answer of the garnishee for insufficiency, and if adjudged insufficient, the court may allow him to amend it in such time and on such terms as shall be just.

SEC. 5. The plaintiff may deny the answer of the garnishee in whole or in part without oath, and allege specially the grounds upon which a recovery is sought against the garnishee to which the garnishee may reply either generally or specially, and the issue presented by such denial and reply, shall be tried as ordinary issues between plaintiff and defendant, and judgment rendered thereon and execution issued accordingly except as herein otherwise provided.

SEC. 6. If the answer of the garnishee be not excepted to, or denied within three days after its filing, unless the court or judge in vacation, for good cause shown, gives longer time, it shall be taken to be true and sufficient, and if in such case any indebtedness or liability is admitted, judgment shall be rendered accordingly, and the garnishee shall be allowed a reasonable sum out of the funds or property confessed in his hands for his trouble and expense in answering. If all liability is denied, and the denial is uncontroverted, the garnishee shall be discharged at the cost of the plaintiff. In contested cases the costs shall be adjudged as in ordinary cases between plaintiff and defendant.

SEC. 7. If the garnishee admits in his answer that he is indebted to the defendant, or has money or property of the defendant in his hands, or under his control, and fails or refuses to turn the same over to the officer as in section 1 is provided, the plaintiff may move the court out of which the writ issued, on or before the return day thereof for judgment against the garnishee for the amount of such admitted debt, or for the delivery to the officer on the money or property of the defendant in his hands, to an amount sufficient to satisfy the plaintiff's claim; serving the garnishee with due notice of the said motion; and at the hearing thereof, the court shall render such judgment as shall be conformable to law and the facts shown to exist.

SEC. 8. If the garnishee shall allege in his answer that he is indebted to the defendant, but declare his belief under oath that the debt has been assigned to some other person,

(naming him), and the plaintiff shall file a reply, denying the fact, or the force and validity of the alleged assignment, the court shall thereupon make an order requiring the alleged assignee to appear, on a day to be therein named, and show cause why the alleged assignment should not be disregarded. Such order shall be served upon the supposed assignee if within the jurisdiction of the court at least fifteen days before the return day thereof. But, if he cannot be found, or is out of the jurisdiction of the court, he may be brought in by publication as in other civil cases; *Provided*, That the order shall be published instead of the summons, and that such publication need only be made for three weeks successively, and that the last insertion thereof need not be more than fifteen days before the return day thereof.

SEC. 9. Upon the return day of the order of notice or upon such other day to which the trial may be postponed, if the alleged assignee fails to appear, or appearing fails to assert any claim as such assignee, the alleged assignment shall be disregarded, but if he shall appear and set up a claim as assignee, the existence, force and validity of the alleged assignment shall be tried as similar issues between plaintiff and defendant, and such judgment shall be rendered as shall be conformable to the facts and the law.

SEC. 10. The defendant in the main action may, by proper pleading filed in the garnishment proceedings, set up any facts showing that the debt or the property with which it is sought to charge the garnishee is exempt from execution or for any other reason is not liable for the plaintiff's claim, and if issue thereon be joined by the plaintiff it shall be tried with the issues as to the garnishee's liability, and if the property, or debt, or any part thereof, is found to be thus exempt or not liable, judgment shall be rendered accordingly.

SEC. 11. The garnishee shall not be held liable on any debt due upon negotiable paper unless such paper is delivered up to him or he is fully exonerated or indemnified against any liability thereon after he may have satisfied the judgment. But if it shall be made to appear to the satisfaction of the court in which the proceedings are pending, that the paper is in the possession or control of the defendant, he may be compelled to produce it by attachment.

SEC. 12. No sheriff, constable, or other officer charged with the collection of money shall prior to the return day of

the execution upon which the same may be made, be liable to be summoned as a garnishee, nor shall any county collector or municipal corporation or any officer thereof, nor administrator or executor of any estate prior to the allowance of a demand found to be due by his estate or prior to an order of distribution or for the payment of debts and legacies be liable in their official capacities as garnishee.

SEC. 13. Appeals may be taken, heard and determined in cases arising under this act, in the same manner and with like effect as is now, or may hereafter be provided by law for appeals in ordinary civil actions.

SEC. 14. The provisions of this act shall apply to all courts of competent jurisdiction.

SEC. 15. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 16. There being now no law in this State to provide for the remedies herewith prescribed, an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved March 2, 1907.

SENATE BILL NO. 33.

AN ACT

TO PROVIDE FOR THE DISPOSITION OF THE FOREST RESERVE FUNDS RECEIVED, AND THAT MAY BE RECEIVED FROM THE UNITED STATES FOR THE BENEFIT OF THE PUBLIC SCHOOLS, AND PUBLIC ROADS OF THE COUNTIES IN WHICH THE FOREST RESERVES ARE SITUATED.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That it shall be the duty of the State Treasurer to receive any and all moneys paid or offered to be paid to him as such treasurer by the Treasurer of the United States on account of the moneys received from such forest reserve, under and by virtue of the act of congress of June 30, 1906, and to keep a separate account of the sums received from each reserve, and to apportion the distributive share of the same among the several counties in which such forest reserves are situated in proportion to the area of such reserve in such county, and to pay the same over to the several county treas-

urers of such counties at least once in each and every year, and as soon after the same is received as such apportionment can be made.

SEC. 2. As soon as any of said moneys are received by the county treasurer, he shall apportion the same as follows:

Seventy-five per cent thereof to the general road fund of the county to be used in the construction and repair of roads and bridges in the county, under the direction of the county commissioners of the county, giving the preference, when other conditions are equal, to roads and bridges in the reserves whenever and wherever the same are most needed, and twenty-five per cent thereof to the general common school fund of the county to be used in the construction, support and maintenance of public school houses and schools in such county according to the school laws.

SEC. 3. Any and all moneys belonging to said funds now in the hands of the State Treasurer shall be apportioned, distributed and expended in accordance with the provisions of sections 1 and 2 of this act.

SEC. 4. An emergency existing, this act shall take effect and be in force from and after its passage.

Approved March 5, 1907.

SENATE BILL NO. 85.

AN ACT

AMENDING SECTIONS THREE AND SIXTEEN OF AN ACT ENTITLED "AN ACT FIXING THE POWERS AND DUTIES OF BOARDS OF COUNTY COMMISSIONERS AND HIGHWAY OFFICERS OVER HIGHWAYS; PROVIDING FOR THE FORMATION OF CONTRACT ROAD DISTRICTS AND THE MANNER OF LETTING ROAD CONTRACTS; AMENDING SECTIONS 870, 873, 886, 905, 907, 908, 927, 929, 931, 945, 946, 949, 975 AND 1028 OF THE REVISED STATUTES OF IDAHO AND REPEALING SECTION 948 THEREOF; ADDING SECTIONS 875, 876, 877, 878 AND 879 TO ARTICLE THREE, CHAPTER TWO OF TITLE VI OF THE POLITICAL CODE OF IDAHO, APPROVED FEBRUARY 7, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section three of the above entitled act be amended to read as follows:

Section 3. That article 3, chapter 2, of the Political Code of the Revised Statutes of Idaho be amended by adding thereto the following section:

Section 875. The county commissioners shall at least three weeks prior to their regular meeting in January or July, or at such other times, as may become necessary, cause notice to be published in some newspaper, published in the county, for sealed proposals to be received by said board for keeping in repair and improving the public roads and highways in all districts, set apart as contract road districts; and each proposal, or bid, so submitted to the board, shall be accompanied by a bond conditional for the faithful performance of the duties of the contract, which may be entered into by and between the party making the proposal, or bid, and the board of county commissioners, in a sum not less than double the amount of the bid for improvement and keeping in repair of the roads and highways within the district proposed, the bond to be secured by two or more sureties who shall justify in the same form and manner as is required on bonds of county officers. *Provided*, That all bidders shall be residents of the road districts which they contract for. At the time stated in the notice, the board of county commissioners shall open and examine the proposals, or bids, and award to the lowest and best bidder the contract for not less than two nor more than three years for the respective contract road districts: *Provided further*, That the board shall reserve the power to reject any and all bids.

SEC. 2. That section 16 of the above entitled act be amended to read as follows:

Section 16. That article 3, of chapter 2, of title VI of the Political Code of the Revised Statutes of Idaho be amended by adding thereto the following section to wit: 876, 877, 878 and 879.

Section 876. Any person or persons contracting as provided in this act shall cause all roads and highways, in their respective districts, to be kept clear of obstruction, and in good repair, banks to be graded, bridges and crossings to be made where the same may be necessary to keep the same in good repair and put in snow bridges when snow roads are used during the winter months, whenever the same may be required, and to use reasonable diligence in keeping each road passable.

Section 877. The board of county commissioners, or the commissioner of any commissioner district, upon learning that any of the public roads are not repaired and kept in good order by any one contracting to do so in a contract road district shall have power and shall cause the same to be done by placing labor thereon; and such expense shall be retained from any amount that may be due him on his contract, and should that be insufficient, or noting be due thereon the deficiency or whole amount, as the case may be, shall be collected from his bondsmen, as other liabilities. *Provided*, That each commissioner shall act only within his commissioner district, except at the regular meetings of the board of county commissioners.

Section 878. The several amounts allowed to the contractors in the several and respective contract road districts shall be audited and allowed as other claims against the county by the board of county commissioners at their regular meeting, and shall be paid quarterly.

Section 879. In all road districts set apart as contract road districts, the road poll tax thereon, shall be collected by the tax collector and be, by him, paid into the county treasurer and applied to the county road fund.

Approved March 5, 1907.

SENATE BILL NO. 91.

AN ACT

MAKING IT UNLAWFUL TO WRONGFULLY AND WITHOUT AUTHORITY USE THE NAME, TITLE OF OFFICERS, INSIGNIA, EMBLEM, RITUAL OR CEREMONIES OF ORDER AND SOCIETIES, AND PROVIDING PUNISHMENT FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Any person who willfully wears the badge of the Grand Army of the Republic, the insignia, emblem, badge or rosette of the Military Order of the Loyal Legion of the United States, or of the Military Order of Foreign Wars of the United States, or the badge, emblem or button of the Spanish War Veterans, or the Order of Patrons of Husbandry, or of the Benevolent and Protective Order of the

Elks of the United States of America, or the Order of the Knights of Pythias, or the Order of Knights of Columbus, or of any Greek letter college fraternity, or any society, order or organization of one year's standing in the State of Idaho, or use the name to obtain aid or assistance within this State, or willfully uses the insignia, emblem, button, rosette or badge or uses the name of any society, order or organization, the title of its officers, or its insignia, rituals or ceremonies, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order, or of such society, order or organization, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed ninety (90) days in the county jail, or a fine not to exceed two hundred (\$200.00) dollars or by both such fine and imprisonment.

Approved March 5, 1907.

SUBSTITUTE FOR SENATE BILL NO. 7.

AN ACT

TO AMEND SECTION 4383 OF THE REVISED STATUTES OF IDAHO CONCERNING THE ORDER OF PROCEEDING ON TRIAL OF CIVIL CAUSES AND GIVING INSTRUCTIONS AS TO THE LAW THEREIN.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 4383 of the Revised Statutes of Idaho be and the same is hereby amended so as to read as follows:

Section 4383. When the jury has been sworn, the trial must proceed in the following order unless the judge for special reasons otherwise directs:

1. The plaintiff after stating the issue and his case must produce the evidence on his part.

2. The defendant may then open his defense and offer his evidence in support thereof.

3. The parties may then respectively offer rebutting evidence only unless the court for good reasons in furtherance of justice permits them to offer evidence upon their original case.

4. When the evidence is concluded and before the case is argued or submitted to the jury, either party may request the court to give to the jury instructions in writing on the law arising in the cause, which shall be given or refused as asked; *Provided*, That the court may also give other and further written instructions of its own motion. All of which written instructions given shall be carried by the jury to their room for their guidance in arriving at a correct verdict according to the law and the evidence. The instructions shall then be read to the jury by the court, and, unless the case is submitted to the jury without argument, the plaintiff must commence and may conclude the argument.

5. If several defendants having separate defences appear by different counsel, the court must determine their relative order in the evidence and argument.

6. If either party objects to the giving of written instructions and permitting the jury to take them to their room as provided in the fourth subdivision of this section, then instead thereof the course of procedure shall be as follows: The court may then charge the jury, according to the provisions of sections 4384 and 4385 of the Revised Statutes of the State of Idaho.

7. *Provided*, That, with the consent of the parties to any suit on trial before a jury, the court may give his charge to the jury orally, the same to be taken down by the court reporter and to be immediately transcribed by him and filed in the suit, and a copy thereof delivered to the counsel for each party, if requested; the court may in such case embody in his oral instructions any requests filed by either party or he may read such requests to the jury as a part of said oral instructions.

In all cases of oral instructions, the counsel for either party shall have one day in which to file written exceptions to said instructions, or any part thereof, which exceptions when so filed, are to be treated in the same manner and to have the like effect as near as may be as exceptions in other cases; but if the giving or refusal of instructions is excepted to the same may be without any stated reason therefor.

SEC. 2. All acts and parts of acts in conflict with this act, are hereby repealed.

Approved March 5, 1907.

SENATE BILL NO. 120.

AN ACT

TO PROVIDE FOR A FINAL UNIFORM EIGHTH GRADE EXAMINATION WHICH SHALL ADMIT PUPILS TO THE FIRST YEAR OF THE HIGH SCHOOL, AND PRESCRIBING THE RULES AND REGULATIONS FOR CONDUCTING THE SAME, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of the State Superintendent of Public Instruction to prepare, or cause to be prepared, eighth grade examination questions to be used by the county superintendents of the several counties of the State in the examination of applicants for eighth grade diplomas, and to prescribe the rules and regulations for conducting all such examinations.

SEC. 2. All pupils shall be required to take such eighth grade examination upon completing the eighth grade work, and only those pupils shall be entitled to pass who shall obtain a general average of not less than eighty-five (85) per cent., and not falling below seventy (70) per cent. in any branch. All pupils passing such examination shall be granted a diploma by the county superintendent of public instruction.

SEC. 3. No pupil shall be permitted to enter the first year of any high school in the State of Idaho, who has not passed the eighth grade examination satisfactorily and obtained his or her diploma.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

SENATE BILL NO. 125 SUBSTITUTE FOR SENATE BILL NO. 52.

AN ACT

TO PROVIDE FOR CHANGING THE PLACE OF TRIAL IN CRIMINAL CASES ON THE APPLICATION OF THE STATE ON THE RELATION OF THE COUNTY ATTORNEY OF THE COUNTY WHEREIN THE INDICTMENT OR INFORMATION MAY BE FILED OR OF ANY SPECIAL ATTORNEY DULY APPOINTED TO PROSECUTE SUCH CAUSE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The district courts of this State within their respective districts are hereby empowered to change the place of trial in criminal cases other than misdemeanors upon the application of the State on the relation of the county attorney of the county in which any indictment or information may be filed or upon the relation of any attorney duly and especially appointed to prosecute said cause, such application to be sustained by the affidavits of at least two resident tax payers in the county where the offence is alleged to have been committed on the ground that a fair and impartial trial cannot be had in the county where a criminal act is alleged to have been committed.

SEC. 2. Such application must be made in open court and in writing, verified by the affidavit of the relator a copy of which must be served upon the defendant or his attorney, at least one day before the application is made.

SEC. 3. If the court is satisfied, from the facts set forth in such application and affidavit that a fair and impartial trial cannot be had, an order must be made for the removal of the action to the proper court of a county free from a like objection.

SEC. 4. The order of removal must be entered upon the minutes, and the clerk must immediately make out and transmit to the court, to which the action is removed, a certified copy of the order of removal, record, pleadings and proceedings in the action, including the undertakings for the appearance of the defendant and of the witnesses.

SEC. 5. If the defendant is in custody, the order must direct his removal, and he must be forthwith removed by the sheriff of the county where he is imprisoned, to the custody of the sheriff of the county to which the action is removed.

SEC. 6. The court to which the action is removed must proceed to trial and judgment therein as if the action had been commenced in such court. If it is necessary to have any of the original pleadings or other papers before such court, the court from which the action is removed must, at any time, upon application of the county attorney or the relator, order such papers or pleadings to be transmitted by the clerk, a certified copy thereof being retained. The costs accruing upon such removal and trial are a charge against the county from which such criminal action was removed.

SEC. 7. The clerk of the court in the county to which said action is, or may be, removed, must certify the amount of said costs to the auditor of the proper county, which must be allowed and paid as other county charges.

SEC. 8. The sufficiency in both law and fact of the application and supporting affidavits may be reviewed by the supreme court on appeal from an order of the district court denying such application and such appeal may be taken by the State on the relation of the county attorney of the county in which such application is made or of any other attorney duly appointed and acting in the prosecution of such cause and the procedure governing such appeal shall be as near as may be the same as provided by law for appeals in other criminal cases.

Approved March 7, 1907.

SENATE BILL NO. 132.

AN ACT

TO PREVENT COMMON PROSTITUTES, KEEPERS AND INMATES OF HOUSES OF ILL-FAME, AND OTHER LEWD PERSONS FROM REGISTERING AS VOTERS OR FROM VOTING AT ELECTIONS IN THIS STATE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. No common prostitute or person who keeps or maintains or is interested in keeping or maintaining, or who resides in or is an inmate of or frequents or habitually resorts to any house of prostitution or of ill-fame, or any other house or place commonly used as a house of prostitution or of ill-fame, or as a house or place of resort of lewd persons for the purpose of prostitution or lewdness, or who being male and female do lewdly and lasciviously cohabit together, shall be permitted to register as a voter or to vote at any election in this State, and any such person who shall so register or vote, or offer or attempt to so register or vote, shall on conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 2. Whenever any person within any of the prohibited classes mentioned in section 1 of this act shall offer himself or herself for registration, it shall be the duty of the registrar in addition to offering to said person any elector's oath provided by law, to examine such person as to his or her qualifications under this act, and if such person is not qualified by reason of being within any such prohibited class, it shall be the duty of the registrar to refuse to register such person, and the registrar shall keep a brief memorandum in writing showing all such examinations and his determination thereon.

SEC. 3. If any person within any of the prohibited classes mentioned in section 1 of this act shall be registered and shall offer to vote, he or she may be challenged for being within such prohibited class or classes, and thereupon such person shall be examined as to his or her qualifications under this act, and if the board of election is satisfied that such person is within any such prohibited class his or her vote shall not be received.

SEC. 4. If any person within any of the prohibited classes mentioned in section 1 of this act shall make any false answer to any such examination, either by such registrar or on such challenge before the board of election, it shall be considered and held to be a separate and distinct offense from any offense mentioned in section 1 of this act and on conviction thereof, such person shall, in addition to any penalty incurred by any other provision of this act, be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 5. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved March 7, 1907.

HOUSE BILL NO. 174.

AN ACT

AMENDING SECTION 7830 OF THE REVISED STATUTES OF IDAHO AND RELATING TO THE NUMBER OF PREMATORY CHALLENGES IN CRIMINAL CASES IN THE DISTRICT COURT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 7830 of the Revised Statutes of

Idaho be, and the same is hereby amended to read as follows:

Section 7830. If the offense charged is punishable with death or with imprisonment in the State prison for life, the defendant is entitled to ten and the State to ten preemptory challenges. On a trial for any other offense the defendant is entitled to six and the State to six preemptory challenges.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 8, 1907.

HOUSE BILL NO. 169.

AN ACT

TO PROVIDE FOR THE COMPLETION OF THE ATLANTA ROAD IN THE COUNTIES OF ADA, BOISE AND ELMORE, CREATING THE ATLANTA ROAD COMMISSION, PRESCRIBING ITS DUTIES AND POWERS, PROVIDING FOR AN ISSUE AND SALE OF STATE BONDS TO DEFRAY THE COST OF COMPLETING SAID ROAD AND AUTHORIZING THE LEVY OF A TAX TO PAY THE PRINCIPAL AND INTEREST OF SAID BONDS, AND REQUIRING THAT AN EQUAL AMOUNT SHALL BE RAISED FOR THE COMPLETION OF SAID ROAD OTHERWISE THAN BY THE STATE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. For the purpose of completing what is known as the "Atlanta Road," in the counties of Ada, Boise and Elmore, in the manner in which the construction of said road was undertaken by the Idaho Intermountain Wagon Road Commission under the act of March 8, 1905, a loan of five thousand dollars is hereby authorized to be negotiated upon the faith and credit of the State of Idaho.

SEC. 2. There is hereby created a commission which shall have general supervision and control of the completion of said road, and of the disbursement of the funds provided and appropriated by this act, or so much thereof as may be necessary. Said commission shall consist of the Governor, the State Engineer and the State Mining Inspector of the State of Idaho, and shall succeed to all the powers and duties of said Idaho Intermountain Wagon Road Commission in relation to said road, with power to let additional contracts for the completion of said road, if it be necessary so to do, in the manner pro-

vided in said act creating said Idaho Intermountain Wagon Road Commission.

SEC. 3. Upon the completion of said road and the acceptance thereof by said commission, the commission shall certify to such completion and acceptance, which certificate shall be filed in the office of the Secretary of State, and thereupon said commission shall no longer exist.

SEC. 4. The Governor shall be ex-officio chairman of the commission, and the commission shall choose one of its number as secretary. The secretary shall keep minutes of all the meetings and transactions of the commission and an accurate of its disbursements, and be the custodian of its records and files. Upon the completing of its work the commission shall make a written report showing all its transactions and disbursements, which report shall be filed in the office of the Secretary of State.

SEC. 5. The commissioners shall be allowed their actual and necessary expenses while engaged in the performance of their duties under this act. Every claim requiring the payment of money by the commission shall be itemized and verified under oath, and if allowed or any part thereof, shall be by the chairman and secretary certified to the State Auditor, who shall thereupon draw his warrant therefor. The Treasurer of the State of Idaho shall be the treasurer of the commission, and liable upon his official bond for the faithful performance of his duties as such treasurer. *Provided*, That before the chairman and secretary of said commission shall certify any claim to the auditor, such claim must have been authorized by a vote of a majority of said commission at a regular meeting thereof.

SEC. 6. For the purpose of securing the payment of said loan, the Treasurer of this State is hereby authorized, empowered and directed to issue bonds of the State in the sum of five hundred dollars each, payable in twenty years from the date of their issuance, to bear interest at a rate of not to exceed four per cent. per annum, payable semi-annually on the first days of January and July in each year at a place to be selected by the Treasurer of the State; but such bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten years from the date of their issuance, and shall be numbered from one to ten consecutively. The State Treasurer shall cause to be printed or lithographed suitable bonds, in proper form and coupons attached. All such bonds shall be signed by

the Secretary of State of the State of Idaho with his own proper name, affixing his official character, and shall be authenticated by the great seal of the State of Idaho, and shall be signed by the Governor of the State in his own proper name, with his official character affixed, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds showing the number and amount of each bond, and deliver the same to the State Treasurer, and charge said Treasurer on the official books of the Auditor's office with the full amount of such bonds.

SEC. 7. At the time of issuing said bonds, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State of Idaho. The coupons for the payment of interest shall be attached to such bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to forty inclusive, each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all the bonds issued by him under this act, showing the date of issuance, and shall deliver said bonds, with the coupons attached as aforesaid, to the purchaser or purchasers thereof upon receipt of the purchase money therefor, and the money received upon the sale of the bonds herein provided for shall be used for the completion of said Atlanta Road and the payment of the other expenses authorized by this act, and shall be disbursed as by this act provided. *Provided however*, That none of such bonds shall be sold for less than their face or par value. The expense of printing or lithographing and procuring suitable bonds, with coupons attached, shall be paid out of the funds arising from said sale as an expense incidental to the completion of said road.

SEC. 8. For the purpose of creating a fund to pay the interest coupons and the principal of said bonds, in addition to the taxes now imposed by law, an additional ad valorem tax of three-eighths of a mill upon each one hundred dollars of assessed valuation of all property in this State not exempt from taxation, is hereby levied and shall be collected as other taxes for State purposes. All moneys collected by the State Treasurer as the proceeds of the tax hereby levied shall be set apart by him and shall constitute a separate and distinct fund to be known as the Atlanta Road Fund. The State Treasurer shall pay the interest on said bonds when due out of said fund, tak-

ing the coupons as his vouchers therefor. After the expiration of ten years from the issuance of any of said bonds, whenever there shall be twelve hundred dollars in said fund over and above the amount required for the payment of interest coupons due or to become due within the ensuing six months, the State Treasurer shall use such surplus money in the redemption of said bonds, in the order of their numbers and date of issuance, of which the State Treasurer shall give notice by publication once a week for four consecutive weeks in some newspaper published at the state capital, and from the date of the last publication of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within sixty days from the date of the last publication of such notice the treasurer shall apply the money for the redemption of the bonds next in number and according to the date of their issuance.

SEC. 9. If at any time there shall not be sufficient moneys in said fund to pay the interest coupons or the principal of such bonds, when due, the said Treasurer shall pay the same out of the general funds of the State, and shall replace the amount so paid out of said special fund whenever moneys intended for the same shall be received.

SEC. 10. If at any time, prior to the time when the bonds herein provided for shall become subject to redemption, the amount of money in said sinking fund shall exceed the amount required for the payment of interest coupons of such bonds, due or to become due within the next ensuing twelve months, the State Treasurer shall use such surplus in the payment of any warrants drawn upon him by the State Auditor and presented for payment and not paid for want of money in the fund upon which they are drawn, and shall register and endorse such warrants in the manner provided by section 238 of the Revised Statutes of Idaho, 1887, and place the same so endorsed to the credit of the sinking fund aforesaid, and such warrants shall bear interest and be payable in due course as other outstanding warrants, and when paid the principal and interest thereof shall belong to the sinking fund aforesaid, and shall be in like manner reinvested until said bonds become redeemable as aforesaid.

SEC. 11. For the payment of the bonds by this act authorized and the interest accruing thereon, according to the strict terms thereof, the faith of the State of Idaho is solemnly pledged, and for the payment of the interest on the bonds

hereby authorized, in lawful money of the United States, as said interest shall accrue, the State Treasurer shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest on other state bonds heretofore issued under acts passed by the Legislature of the State of Idaho.

SEC. 12. The State Treasurer shall commence negotiations for the issuance and sale of all the bonds herein provided for immediately upon the passage and approval of this act.

SEC. 13. No part of this appropriation shall be expended or disbursed for the completion of said Atlanta Road until after the sum of five thousand dollars shall have been raised for this purpose by private subscription, or otherwise than by the State, in addition to any amount heretofore raised by private subscription for the construction of said road. *Provided*, That if said commission determine that an amount less than the total sum of ten thousand dollars will suffice for the proper completion of said road, they may make a proportionate reduction in the amount herein required to be raised by private subscription or otherwise than by the State. When the commission shall be satisfied that such amount has been raised and is actually available, the chairman and secretary thereof shall so certify to the State Treasurer, and thereupon this appropriation shall also be available for the completion of said road.

SEC. 14. All warrants drawn upon the Atlanta Road Fund hereby created shall draw interest at the same rate as warrants drawn upon the general fund of the State Treasurer.

SEC. 15. After the completion and acceptance of said road, and the payment of all amounts due on account of constructing the same, and of all warrants drawn upon said fund, the said fund shall cease to exist, and all moneys remaining in said fund shall be by the State Treasurer transferred to the general fund of the State and thereafter constitute a part of said general fund.

Approved March 9, 1907.

HOUSE BILL NO. 84, SUBSTITUTE FOR HOUSE BILL NO. 44.

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT RELATING TO REVENUE; PROVIDING FOR THE PAYMENT OF AN AD VALOREM TAX FOR THE STATE PURPOSES; PROVIDING THAT WHAT PROPERTY IS TAXABLE FOR

STATE, COUNTY, CITY, TOWN, VILLAGE, AND INDEPENDENT SCHOOL DISTRICT PURPOSES; AND MAKING EXEMPTIONS THEREFROM; PROVIDING THE MANNER OF ASSESSING, EQUALIZING, COLLECTING AND ENFORCING THE SAME; PRESCRIBING THE DUTY AND POWER OF OFFICERS IN RELATION TO THE ASSESSMENT, EQUALIZATION, COLLECTION AND DISBURSEMENT OF REVENUES, AND FIXING PENALTIES FOR FAILURE TO EXECUTE THE SAME; REPEALING AN ACT ENTITLED 'AN ACT RELATING TO REVENUE, ETC.,' APPROVED MARCH 22, 1901; AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2 of an act entitled "An act relating to revenue; providing for the payment of an ad valorem tax for State purposes; providing what property is taxable for State, county, city, town, village, and independent school district purposes; and making exemptions therefrom; providing the manner of assessing, equalizing, collecting and enforcing the same; prescribing the duty and power of officers in relation to the assessment, equalization, collection and disbursement of revenues, and fixing penalties for failure to execute the same; repealing an act entitled 'An act relating to revenue, etc.,' approved March 22, 1901; be and the same is hereby amended to read as follows:

SEC. 2. The following property is exempt from taxation:

First. All property used exclusively for school purposes and such as may belong to the United States, this State, or to any county or municipal corporation or school district within this State.

Second. Churches, chapels and other buildings with the lots or ground appurtenant thereto and used therewith, belonging to any church organization or society and used for religious worship, from which no rent is derived, with their furniture and equipments, and hospitals used for benevolent purposes with the lots of ground appurtenant thereto and used therewith from which no rent is derived, with their furniture and equipments. Also public cemeteries.

Third. Buildings or parts of buildings owned and used by the Orders of Masons, and Odd Fellows, or by any other benevolent or charitable society exclusively for the purpose of its order, and their furniture and equipments.

Fourth. The property of resident widows, orphan children and honorably discharged soldiers and sailors who served

in the Army and Navy of the United States during the war of the Rebellion, not to exceed the amount of one thousand dollars to any one family when their total assessment is less than five thousand dollars.

Fifth. Growing crops.

Sixth. Capital stock of corporations when the property has been assessed.

Seventh. Public and private libraries.

Eighth. Tools of a mechanic, farmer, miner, prospector, and the household goods of the head of a family or householder or the farming implements and machinery of farmers, not exceeding in value four hundred dollars.

Ninth. Possessory rights to public lands.

Tenth. All dues and credits secured by mortgage, trust deed or other liens.

Eleventh. Mining claims not patented, but machinery, property and improvements upon or appurtenant to mining claims shall not be exempt.

Twelfth. All irrigation canals and ditches and water rights appurtenant thereto, when the owner or owners of said irrigating canals and ditches use the water thereof exclusively upon land or lands owned by him, her or them: *Provided*, In case any water be sold or rented from any such canal or ditch, then, in that event, such canal or ditch shall be taxed to the extent of such sale or rental.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1907.

SENATE BILL NO. 121.

AN ACT

TO PROVIDE FOR THE REVISION, COMPILATION AND CODIFICATION OF THE LAWS OF THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The Supreme Court of the State of Idaho

is hereby authorized and empowered to appoint some person, learned in the law and a member of the bar of the Supreme Court of this State, who shall be known as a Code Commissioner, and who shall be authorized to revise, codify and compile the laws, civil, political and criminal, and the laws of civil procedure, and to revise, arrange, simplify and consolidate the statutes of Idaho which shall be in force at the time such commissioner shall make his final report; and to make such changes, alterations, modifications, additions and substitutions as the said commissioner may deem best to the end that a complete simplified code of laws based on the laws in force at the time the said commissioner shall make his final report, shall be presented, but with the errors, inconsistencies, repetitions and ambiguities therein eliminated.

SEC. 2. It shall be the duty of the commissioner to prepare the following codes: the Political Code, the Civil Code, the Code of Civil Procedure and the Penal Code.

The Political Code shall treat of the sovereignty of the people of the State, of the political rights and duties, of the political divisions of the State, of the government of the counties, cities, towns, and of such other general laws as shall seem proper to the commissioner.

The Civil Code shall treat of property and property rights, persons and personal relations, corporations, contracts and obligations and other subjects properly related to the foregoing.

The Code of Civil Procedure shall treat of the procedure and practice in civil actions and proceedings in all the courts in the State, or in any subdivision thereof.

The Penal Code shall treat of crimes and misdemeanors and the punishment thereof, of criminal procedure and penitentiaries, prisons and jails.

The commissioner shall also make and prepare a report designating what statutes or parts of our statutes are omitted by him or repealed by the provisions of any other act reported by him and what, if any, new sections he has added to such codes, and any laws of a general nature which ought to be enacted in addition to the codes reported.

SEC. 3. The Political Code must contain in addition to the other matters required, the Magna Charta, the Declaration of Independence, the Constitution of the United States, with the amendments, the Organic Act of the Territory of

Idaho, the act of Congress admitting Idaho as a State, the Constitution of the State of Idaho, the laws of the United States providing for the naturalization of citizens, the statutes of the United States relative to the authentication of records, and a copy of this act.

SEC. 4. After each section or subdivision of the matter to be comprised in the said codes, there shall be a reference to the original text from which said section is compiled, and a reference to the corresponding section of the California code, if there shall be a similar or identical one. There shall be noted further, under each section, a complete reference to all decisions of the Supreme Court of Idaho and the decisions of the Federal Courts interpreting, construing or applying to said section.

SEC. 5. The number of volumes in which such codes shall finally be published shall be determined by the Supreme Court, and the Code Commissioner must make for such codes a complete working index of the contents thereof, either separately for each code or, if the said codes are all published in one volume, then one general index for all the codes, in either case the said indexes to be alphabetically arranged and of sufficient particularity to refer to each section contained in the said codes and to the subject thereof, with cross references wherever they may be necessary, which index must be printed and bound in the volume containing the section referred to.

SEC. 6. Said Commissioner shall receive for his services the sum of four thousand (\$4,000.00) dollars, and shall be authorized to expend the sum of two thousand (\$2,000.00) dollars, or as much thereof as may be necessary for legal assistance in connection with this work. The said Commissioner shall keep his office at Boise City, and shall devote his entire time to the work of preparing the code of laws provided for herein. The said Commissioner is empowered and authorized to employ such clerical assistance as may be necessary and to procure an office and proper supplies, at an expense of not to exceed two thousand five hundred (\$2,500.00) dollars.

SEC. 7. The salary of the said Commissioner shall be paid quarterly in six payments, commencing with the quarter ending in June, 1907; the claims of said commissioner to be presented to and allowed by the Board of Examiners, and the Auditor is authorized to draw his warrant upon the general fund for the amount of such salary due and for all other

expenses provided for in this act. The compensation of all assistants and clerks to be paid when the same shall become due, upon being presented to and allowed by the Board of Examiners.

SEC. 8. The labors of the Commissioner shall be concluded on or before the first day of July, 1908, and at said time it shall be the duty of the Commissioner to file with the Secretary of State three copies of each of said codes, with the indexes and references herein provided for, and the same shall be submitted for action to the Legislature of the State of Idaho at its next general session or any special session called by the Governor at the request of the Supreme Court Judges.

SEC. 9. On or before the 1st day of July, 1908, the Commissioner shall file five copies of his final report with the Secretary of State, which said report shall contain at length all changes, modifications, additions, substitutions or repeals of existing statutes, and such changes, modifications, additions, substitutions and repeals must refer specifically to the section, chapter or article of the printed code shown thereby, and the Secretary of State must cause such final report to be printed for the use of members of the Legislative assembly.

SEC. 10. Each of the codes and indexes must be so far completed as to be in a condition to print by the 1st day of July, 1908, and as soon thereafter as possible, the Secretary of State and Judges of the Supreme Court must have five hundred (500) copies of each of said codes printed in the same type and body type as is used in the printing of the Revised Statutes of Idaho, and bound with paper covers, the Code Commissioner being required to read and correct the proof sheets of said volume or volumes to be delivered to the Secretary of State, corrected, printed and bound on or before the 1st day of October, 1908, said printing and binding to be paid for out of the moneys appropriated by this act.

SEC. 11. Upon receipt of the printed codes, the Secretary of State must deliver one printed copy of each volume of said codes, together with a copy of the report of the changes and substitutions, to each member of the Legislative assembly, together with the indexes therefor, which printed volume, when so delivered, must have the effect of bills printed for the use of members of the Legislative assembly, and also deliver, by mail or express, one copy of each volume to each judge of any court of record in the State of Idaho, one copy of each volume to each State officer, county attorney, member of the board

of county commissioners, and seven copies of each volume to the clerks of the district courts of Idaho, which copies of said reports, for distribution to and examination by the members of the bar of such courts, and to the Code Commissioner, ten copies of each volume.

SEC. 12. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fourteen thousand (14,000) dollars, or so much thereof as may be necessary, for carrying out the provisions of this act.

SEC. 13. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 33.

AN ACT

TO CREATE A STATE BOARD OF HEALTH AND TO DEFINE ITS POWERS AND DUTIES; TO PROVIDE FOR THE REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS; TO MAKE AN APPROPRIATION THEREFOR; TO PROVIDE FOR LOCAL BOARDS OF HEALTH AND TO DEFINE THEIR POWERS AND DUTIES; TO PROVIDE FOR THE PUNISHMENT OF VIOLATION THEREOF; AND TO REPEAL ALL LAWS IN CONFLICT THEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. A board is hereby established which shall be known under the name and style of the Idaho State Board of Health; it shall consist of five members as follows: Two members who shall be experienced and legally licensed physicians of different parts of the State to be appointed by the Governor, and a Secretary, as provided in section 3 of this act; these three together with the Attorney General of the State and the State Engineer, who shall be ex-officio members, shall constitute the said State Board of Health; the persons so appointed shall hold office for four years; *Provided*, That those first appointed shall be so classed by the Governor that the term of one shall expire on the second Monday of January in every second year; thereafter the Governor shall biennially appoint one member in the place of the one whose term shall

so expire, who shall hold office for four years, and all vacancies occurring otherwise shall be filled by the Governor.

SEC. 2. The board shall meet annually at Boise on the first Tuesday of October and at such other times and places as they may deem expedient. A majority shall constitute a quorum for the transaction of business. They shall choose annually one of their members to be their president and may adopt rules and by-laws subject to the provisions of this act. They shall have authority to send their secretary or a committee of the board to any part of the State when deemed necessary to investigate the cause of any epidemic or any special or unusual disease or mortality.

SEC. 3. At their first meeting, or as soon as a competent and suitable person can be secured, the board shall elect a secretary who shall be a physician of experience and legally licensed to practice medicine and surgery in this State, and who shall by virtue of such election become a member of the board and its executive officer. The board may elect one of their own members secretary, in which case the Governor shall appoint another member to complete the full number of the board.

SEC. 4. The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the board, a majority of the members voting therefor. He shall keep his office at Boise and shall perform the duties prescribed by this act or required by the board. He shall keep a record of the transactions of the board, shall have the custody of all the books, papers, documents and other property belonging to the board which may be deposited in his office; shall, so far as practicable, communicate with other State Boards of Health within this State; shall keep and file all reports received from such local boards of health and all correspondence of the office appertaining to the business of the boards. He shall prepare blank forms of returns and such instructions as may be necessary and forward them to the clerks of the several local boards of health and county recorders throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases and all useful information on the subject of hygiene and through an annual report and otherwise as the board may direct, shall disseminate such information among the people.

SEC. 5. The secretary shall receive an annual salary which shall be fixed by the State Board of Health, and in no case shall exceed eighteen hundred dollars which shall be paid him in the same manner that the salaries of other State officers are paid. The expense account of the secretary's office, other than his salary, shall be certified to the State Board of Examiners by the president of the State Board of Health, and shall thereupon be audited and paid as other claims against the State. The board shall annually certify the amount of the expense account of the secretary's office, other than his salary, and on presentation of said certificate the State Auditor shall draw his warrant on the State Treasurer for the amount. The other members of the board, except the Attorney General and the State Engineer, shall receive a per diem compensation of not to exceed ten dollars for their services; and they and all other members of the board shall be allowed their actual traveling expenses and other necessary expenses while employed on the business of the board, to be certified and paid in like manner as the expense account of the secretary's office.

SEC. 6. The State Board of Health shall have a general supervision of all matters relating to the preservation of the life and health of the people of the State. They shall especially study the vital statistics of the State, and endeavor to make profitable an intelligent use of the collected records of sickness and mortality among the people; they shall carefully study the influence of the climate upon diseases and health in different localities in the State for the benefit of the citizens thereof, as well as for the information of that large class of people who contemplate making this State their temporary or permanent home; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics; the causes of mortality and the effects of localities, employments, conditions, ingestia, habits and circumstances on the health of the people. They shall when required or when they deem it best advise officers of the government or other State boards in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building, and they shall, either as a whole board or through a committee of the board or other persons appointed by them for that purpose, visit and report on the sanitary condition of all State institutions as often as conditions may require, but the State Hospital for the Insane, the Penitentiary and the Soldiers' Home shall be visited and

reported on at least once a year, said report to become a part of the records of the State Board of Health, and a copy of said report shall be filed in the office of the Governor and of the Secretary of State and also mailed to each member of the several boards controlling the management, and the officers in charge of these institutions.

SEC. 7. Whenever the State Board of Health shall have cause to believe that there is any danger of cholera, small-pox or other contagious or infectious disease invading this State or country, it shall be the duty of said board to take such action and adopt and enforce such rules and regulations as may be necessary to prevent the introduction of such infectious or contagious disease within this State, and any person or persons or corporations refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than three hundred dollars or imprisoned in the county jail for not less than thirty nor more than ninety days, or both such fine and imprisonment, in the discretion of the court, for every such offense. And it shall be the duty of all police officers, sheriffs and constables to enforce such regulations, subject to the authority of State health officers. Whenever necessary the State Board of Health may call public conferences of local health officers, or may by a vote of a majority of its members send a delegate to any conference of local, State or national health officers.

SEC. 8. In order to afford this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the State, the physicians of all mining or other corporated companies, the superintendent or other person in charge of any public, private or parochial hospital, and the president or agent of any company chartered, organized or transacting business under the laws of this State, so far as practicable, to furnish to the State Board of Health any information bearing upon the public health which may be requested by said board for the purpose of enabling it better to perform the duties of collecting and distributing useful knowledge on this subject.

SEC. 9. All persons who perform the marriage ceremony must keep a register of the time and place of each marriage so celebrated, the residence, the names in full, the place of

birth, the age of each party, and whether either party has ever been before married, and if so whether divorced.

SEC. 10 All physicians and professional midwives must keep a registry of the date and place of each birth at which they assist professionally, the name in full, sex, race, color, and the number of the child, whether living or still-born, and the names, color, occupation, birthplace, age and residence of parents, the maiden name of the mother and whether the child was born in or out of wedlock.

SEC. 11. Physicians who attend diseased persons in their last sickness, clergymen who officiate at funerals, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a registry of the date and place of each death, the name, age, sex, color, conjugal condition, birthplace, cause of death, immediate and contributory, duration of illness, and the names, residences and color of parents.

SEC. 12. All persons registering marriages, births or deaths, must quarterly file with the county recorder a certified copy of their register: *Provided*, That if, at a birth, no physician or midwife attend, then it shall become the duty of the father of the child, household or owner of the premises or the head of the hospital or institution in which the birth occurred, in the order named, to make and file the certificate within thirty days after the birth.

SEC. 13. The county recorder must provide and keep separate registers to be known as the "Register of Marriages," the "Register of Births," and the "Register of Deaths," in which the marriages, births and deaths certified to him must be entered and numbered in the order in which they are reported to him; and must be properly indexed. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates and the name and professional, official or clerical position of the person making the report. The recorder must carefully examine each report and register the same marriage, birth or death but once, although it may be reported by different persons.

SEC. 14. The county recorder must, every three months, transmit to the secretary of the State Board of Health, at Boise, Idaho, a certified abstract of the registers of marriages, births and deaths, prepared in the manner prescribed in the instructions of the secretary, and upon blanks to be furnished by him for that purpose.

SEC. 15. The county recorder shall perform the duties required of them by this act without compensation other than their salary: *Provided*, That for a certified copy of the record of a marriage, birth or death, they shall receive a fee of one dollar, to be paid by the person to whom such copy is furnished, and reported by them as in the case of other fees.

SEC. 16. Any person on whom a duty is imposed by sections 9, 10, 11, 12, 13, 14 and 15 of this act who fails, neglects or refuses to perform the same as herein required shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not exceeding fifty dollars or be imprisoned in the county jail not exceeding ninety days or both such fine and imprisonment.

SEC. 17. The secretary of the State Board of Health shall be the State registrar of vital statistics of Idaho. He shall under the direction of the State Board of Health, prepare the necessary methods, books and forms for the accurate registration of marriages, births and deaths, as provided in sections 9, 10, 11, 12 and 14 of this act, and must have printed as many copies as the said secretary shall deem necessary, and shall forward the same from time to time in such numbers as shall be deemed necessary by the said secretary, to the county recorders of the several counties, who must carefully keep and distribute the same to the persons in the county who are required to keep the registers and make the reports provided in this act.

SEC. 18. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the expenses incurred by the State Board of Health, as authorized by this act.

SEC. 19. The board of county commissioners together with the county physician, shall constitute the county board of health. The physician of said county board shall be the secretary and executive officer of the board. The county board of health shall be empowered to make its own local rules and regulations not inconsistent with the laws, rules and regulations of the State Board of Health. Any locality in which there is urgent need of a local board may organize such local board of health by selecting at least one physician who shall be the executive officer of such local board and two other persons who may or may not be physicians. Such local board of health shall act under authority and direction of the

State Board of Health. This section shall not conflict with sections 1150 to 1154, inclusive, of the Revised Statutes of Idaho of 1887.

SEC. 20. The local board of health of each county and municipality shall meet quarterly in the month of January, April, July and October, and as much oftener as they may deem necessary and may adopt all needful rules and regulations for the government of their respective bodies, subject to the provisions of this act; they shall establish the salaries of their respective health officers, and shall regulate all fees and charges in connection with their own regulations; they shall act in conjunction with the State Board of Health and report quarterly to said board such facts in reference to the sanitary condition of their respective counties or municipalities as they may deem important or necessary, or as required by the State Board of Health: *Provided*, That if there is a regular salaried county physician, it shall be his duty to attend to all quarantined patients who are unable to pay, without extra charge, and in no case shall the fees allowed to physicians for their services as local health officers exceed the regular fees of physicians for similar services, and no extra charge shall be made nor allowed in any case for admitting any patient nor releasing them from quarantine.

SEC. 21. Such local board of health shall take cognizance of all unhealthy nuisances within the limits of their sanitary jurisdiction; and every person or corporation refusing or neglecting, after due notice, to comply with the requirements of said board in this respect shall be liable to a penalty not exceeding fifty dollars or imprisonment in the county jail for not more than sixty days or both such fine and imprisonment; all questions arising between local boards as to jurisdiction or their relative duty in the abatement of any particular nuisance shall be referred to the State Board of Health for settlement.

SEC. 22. It shall be the duty of every county and municipal health officer, immediately after his appointment to transmit to the secretary of the State Board of Health his full name and post office address; he shall keep accurate record of the proceedings of the local board of which he is the secretary as well as his own official acts and furnish a report thereof quarterly to the secretary of the State Board of Health, together with such other information in regard to the sanitary

condition of his jurisdiction as he may deem interesting or valuable for publication in the annual report of the State Board of Health. He shall receive for his services such reasonable compensation as his board may allow, to be paid out of the county or municipal treasury, and for every failure or neglect of said health officer to perform any of the duties prescribed in this act, he shall be guilty of a misdemeanor.

SEC. 23. Every physician or other person called to attend any person who is suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or typhoid fever or any other disease dangerous to the public health or required by the State Board of Health to be reported, shall report the same to the health officers within whose jurisdiction such person is found, giving in such report the name, age, sex, and color of the patient, and the house or place in which such person may be found; and in the case of smallpox, cholera, plague, yellow fever, typhoid fever, diphtheria, membranous croup, or scarlet fever, the attending physician shall at once declare a temporary quarantine, and shall prohibit entrance to or exit from such house, such temporary quarantine to remain in effect only until such time as the proper health officer can be notified and can act in the matter; and in like manner it shall be the duty of the owner or agent of the owner of the building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, and the head of the family immediately after becoming aware of the fact, to give notice thereof to the health officer; and when complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the board shall cause such house or locality to be inspected by its health officer, and on discovery that such infectious or contagious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists the board may as it deems best, send such person to a quarantine hospital or other place provided for such persons or may restrain them or other persons exposed within said house from intercourse with other persons and prohibit ingress and egress to or from such premises.

SEC. 24. It shall be the duty of the local board of health when a case of small pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or any other dangerous, contagious or infectious disease is reported within its jurisdiction to at once cause to be placed in a conspicuous position on the house wherein any of the aforesaid diseases occur a quarantine card having printed on it in large letters the name of the disease within and to prohibit entrance to or exist from such house without written permission from the board of health; and no person quarantined by a board of health on account of having a contagious disease or for having been exposed thereto shall leave such quarantined house or place without the written permission of the board of health; and every physician attending a person affected with any of the aforementioned diseases shall use such precautionary measures to prevent the spread of the disease as may be required by the board of health. No person shall remove, mar, deface or destroy such a quarantine card, which shall remain in place until after the patient has been removed from such house or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected under the directions of the board of health, and where other inmates of said house have been exposed to and are liable to become ill of any of said diseases for period thereafter counting from the completing of disinfection as follows, to-wit, in diphtheria and membranous croup 14 days; in small pox 17 days; in scarlet fever 10 days; in cholera or yellow fever 7 days; in typhus fever 21 days; and in cases of measles, chickenpox and whooping cough or either of them, the board of health may require the same report of cases and may enforce the same quarantine and other preventive measures as are provided for in this act in case of scarlet fever. The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers and may use all necessary means to enforce the provisions of this act for the prevention of contagious or infectious diseases, or the orders of any local board of health made in pursuance thereof.

SEC. 25. Any person who while suffering from small

pox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever, wilfully or unlawfully exposes himself in any street, shop, inn, theatre or other public place or public conveyance, or being in charge of any person so suffering so exposes such sufferer or gives, lends, sells transmits or exposes without previous disinfection under the direction of the board of health any bedding, clothing, rags or other things which have been exposed to infection from any such diseases, or who knowingly lets for hire any house, room or part of the house in which any person has been suffering from any such disease, prior to such house, room or part of the house having been disinfected by the board of health or under direction, shall be liable to a penalty not exceeding three hundred dollars, or imprisonment not exceeding three months or both in the discretion of the court.

SEC. 26. When the health authorities of any county or municipality is of opinion, on the certificate of a qualified medical practitioner, that the cleansing and disinfection of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious diseases, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof, requiring him or her to cleanse and disinfect such house or part thereof, and articles within a time specified in such notice; and if the person to whom such notice is so given fails to comply therewith, he or she shall be guilty of a misdemeanor and shall be fined not less than five dollars, and the health authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default as other fines and forfeitures are recoverable: *Provided*, That where the owner or occupier of any such house or part thereof is from poverty or otherwise unable in the opinion of such health authority effectually to carry out the requirements of this section, such authority may without enforcing such requirements on such owner or occupier, cleanse and disinfect such house or part thereof, and articles, and the municipality or county in which said house is situated shall defray the expenses thereof.

SEC. 27. Any local health authority may direct the disinfection or destruction of any bedding, clothing or other articles which have been exposed to infection from any dangerous infectious disorder: *Provided*, That when any per-

son sustains any damages by reason of the exercise of any of the provisions of the section in relation to any matter as to which he is not himself in default, reasonable compensation shall be made by the municipal or county authorities to such person.

SEC. 28. No person residing in or occupying any house in which there is a person suffering from small pox, cholera, plague, typhus fever, diphtheria, membranous croup, chicken pox, measles, mumps, whooping cough or scarlet fever, shall be permitted to attend any public, private or parochial school or college or Sunday school or any other public gathering until the quarantine provided for in such diseases in section 24 of this act has been removed by the board of health, and all school principals, Sunday school superintendents or other persons in charge of such schools are hereby required to exclude any and all such persons until such time as they may present a written permit of the local board of health to attend or re-enter such schools.

SEC. 29. The municipal or county authorities may when necessary, provide a hospital for infectious diseases for the use of the inhabitants of their respective municipality or county, or two or more local authorities may combine in providing a common hospital for contagious diseases or a place of detention for persons having contagious diseases.

SEC. 30. Any expenses incurred by the authorities of any municipality or county in maintaining in a hospital or in a temporary place for the reception of the sick, a patient who is not a pauper, shall be deemed to be a debt due from such patient to the authorities aforesaid, and may be recovered from him at any time within twelve months after the discharge from such hospital or place of reception or from his estate in the event of his death.

SEC. 31. The bodies of persons who have died of small pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous, contagious or infectious disease shall be buried or cremated within twenty-four hours after death except by written permission of the board of health, and no public or church funeral shall be held in connection with the burial of a person who has died of any of the above named diseases, and the body of any such person shall not be taken into any church, chapel or other public place, and only the adult members of the family and such

other persons as are actually necessary shall be present at the burial or cremation of the body.

SEC. 32. Whenever small pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous, contagious or infectious diseases show a tendency to become epidemic and the local health authorities neglect or refuse to properly isolate and quarantine such diseases, the State Board of Health or its executive officers may quarantine any city or county or part thereof in which any of these diseases may show a tendency to become epidemic and the expense of such quarantine shall be charged against and paid by the county so quarantined, except in a case where a city or a part thereof is quarantined, when said expense shall be paid by such city. And in all such cases the local health authorities may cause all public schools, churches and theatres to be closed and all meetings or public assemblies to be prohibited during the prevalence of such epidemic.

SEC. 33. Should one or both eyes of an infant become inflamed or swollen or reddened, or should any pus or secretion form in the eyes or upon the edge of the lid, at any time within two weeks after birth, it shall be the duty of any midwife, nurse or other person having charge of such infant to report within six hours after discovery of such inflammation, redness, or formation of pus or secretion, to the local health officers or some legally qualified practitioner of medicine in the district in which such case shall occur, the fact that such inflammation, swelling or redness or accumulation in the eye exists. Any failure to comply with the provisions of the section shall be punished by a fine not to exceed one hundred dollars or imprisonment not to exceed ninety days or by both fine and imprisonment in the discretion of the court.

SEC. 34. All acts and parts of acts which are in conflict with the provisions of this act are hereby repealed.

Approved March 12, 1907.

HOUSE BILL NO. 219.

AN ACT

RELATING TO THE SALE OF TIMBER AND TIMBER LANDS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Timber and timber lands belonging to the

State of Idaho may be sold by the State Board of Land Commissioners at their option upon payment of installments of the purchase price thereof as follows: Twenty per cent of the purchase price thereof must be paid at time of purchase and the balance of such purchase price in from 10 to 20 equal annual installments with annual interest thereon at the rate of six per centum per annum payable in advance; the number of installments to be fixed by the State Board of Land Commissioners at the time of purchase.

SEC. 2. No timber shall be cut under the above provisions except in the following manner, to-wit: thirty days written notice shall be given to the State Board of Land Commissioners by filing such notice with the registrar of the particular land, describing it by legal subdivisions, upon which it is desired to cut timber. On or before the expiration of such time there shall be paid into the State Treasury by the purchaser to the credit of the proper fund, the full amount of the appraised value of such subdivision or subdivisions or in case the purchase is of timber only then the amount paid in shall be the full amount of the appraised value of the timber on such subdivision. The registrar shall certify to the State Treasurer the amount of the appraisal on the land or timber before such payment is made.

All payments so made shall be credited upon the final installment of the purchase price or if more than sufficient to pay the final installment, then upon the next installment, all such payments thereafter being credited upon the latest installment to fall due.

SEC. 3. No timber shall be cut under the provisions of this act until after the first payment of 20 per cent is made and the additional payment is paid into the State Treasury as provided in section two of this act. The receipt of the Treasurer for the money so paid shall be filed with the registrar of the State Board of Land Commissioners who shall thereupon issue a permit to cut the timber for which payment has been so made. Said permit to be issued under rules and regulations made by the State land board.

SEC. 4. The timber cut on lands where the timber only is purchased must be cut within ten years from the date of purchase or such further time not exceeding 20 years as may be ordered by the State Board of Land Commissioners, said order to be made at the time of purchase. All timber remaining after such period shall be the property of the State.

SEC. 5. The right to cut timber under the terms hereof shall not accrue until the permit therefor is issued.

SEC. 6. Nothing in this act shall be construed as changing or modifying any other statute relative to the sales of timber and timber lands but shall be construed as being in addition thereto, and as authorizing the sale of timber and timber lands on payment of installments as provided in this act.

SEC. 7. Whereas an emergency exists therefor this act shall be in force and effect from and after its passage.

Approved March 12, 1907.

HOUSE BILL NO. 204.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ENROLLMENT AND ORGANIZATION OF THE MILITIA OF THE STATE OF IDAHO;" PRESCRIBING THE NUMBER AND RANK OF THE OFFICERS THEREOF, AND DEFINING THE DUTIES AND SALARIES OF SUCH OFFICERS AND TO REPEAL ALL LAWS IN CONFLICT WITH THE PROVISIONS OF THIS BILL, AN EMERGENCY EXISTING.

Be It Enacted By the Legislature of the State of Idaho:

ARTICLE I.

ENUMERATION OF PERSONS LIABLE TO MILITARY DUTY.

SECTION 1. Every able bodied male citizen of the State of Idaho, and those who have declared their intention to become citizens of the United States, residing therein, between the ages of eighteen and forty-five years, except persons exempt by law shall be subject to military duty; excepting (a) persons exempted by any statute of this state; (b) all persons in the army and navy of the United States and those who have been honorably discharged therefrom; (c) idiots, lunatics, habitual drunkards, and felons convicted of infamous crimes and not pardoned.

ARTICLE II.

ORGANIZATION.

SECTION 1. The Governor shall be commander-in-chief of the militia, except when it be called into the service of the

United States, and may employ it for the defense, or relief, of the States, the enforcement of its laws and the protection of life and property within its territory. He shall make and publish regulations for the government of the National Guard, and shall have all the power necessary to carry into full effect the provisions of this act; and for the purpose of formulating these regulations, he may convene boards of officers who shall recommend, for his approval, a code prescribing the duties of the staff department, the messing and interior economy of the companies, sanitation of camps, rules for the preservation of health, etc.

MILITARY STAFF.

SEC. 2. The Governor shall, as soon as practicable after assuming his office, appoint an adjutant general, who shall be chief of staff and inspector general, with the rank of brigadier general; one quarter master general with the rank of colonel, who shall also act as pay master; one commissary general with the rank of colonel; one assistant inspector general with the rank of lieutenant colonel; one assistant adjutant general with the rank of major; one medical director with the rank of lieutenant colonel; two or more aids' de-camp each with the rank of captain; all to take office immediately upon appointment by the Governor, to serve for two years, or until their successors are qualified, unless sooner removed by him: *Provided*, That the Governor shall have power to remove for cause any and all said officers, and to fill vacancies.

The Attorney General of the State shall be ex-officio judge advocate general thereof with the rank of lieutenant colonel.

Should a United States army officer be detailed for duty with the National Guard, he shall be known as the deputy inspector general.

SEC. 3. The military units of the organized militia shall be designated "The National Guard of Idaho." In time of peace it shall consist of the commander-in-chief, the corps of cadets of the State University; not more than one gatling gun or light battery; one squadron of cavalry of four (4) troops; two regiments of twelve (12) companies of infantry, divided into three battalions of four (4) companies; a signal corps, and a medical corps to consist of a surgeon with the rank of major; two assistant surgeons with the rank of captain, and one assistant surgeon with the rank of first lieutenant.

ant, and the retired list, and shall be composed and organized as follows:

INFANTRY.

A company shall consist of: one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two cooks, two musicians, one artificer, eighty-seven privates. Total enlisted, 106. The minimum strength of a company shall be fifty-eight enlisted men.

A battalion shall consist of: one major, one battalion adjutant (first lieutenant), one battalion quartermaster and commissary (second lieutenant), one battalion sergeant major, four companies. Total enlisted (maximum), 425.

A regiment shall consist of: one colonel, one lieutenant colonel, one adjutant (captain), one quartermaster (captain), one commissary (captain), one surgeon (major), two assistant surgeons (captains), one assistant surgeon (first lieutenant), one chaplain (captain) one sergeant major, one quartermaster sergeant, one commissary sergeant, two color sergeants, one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook, twelve privates (band 28), one sergeant, first class, of the hospital corps, three sergeants of the hospital corps, six privates, first class, of the hospital corps, three privates of the hospital corps, three battalions. Total enlisted (maximum), 1,321.

CAVALRY.

A squadron shall consist of: one major, one squadron adjutant (first lieutenant), one squadron quartermaster and commissary (second lieutenant), one assistant surgeon (captain), one veterinary surgeon (first lieutenant), one squadron sergeant major.

A troop shall consist of: one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, six sergeants, eight corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters, seventy-six privates. Total enlisted (maximum), 100. The minimum strength of a troop shall be 51 enlisted men.

SIGNAL CORPS.

A company shall consist of: one captain, one first lieutenant, one second lieutenant, five first class sergeants, ten ser-

geants, ten corporals, thirty first class privates, twenty second class privates. Total enlisted, 75. The minimum strength of the company shall be thirty enlisted men. The company shall be divided into squads of suitable size to be stationed at places designated by the commanding officer of the National Guard. At least two-thirds of the officers and men shall be expert telegraphers and electricians.

HOSPITAL CORPS.

The hospital corps of the National Guard shall consist of one ambulance company, one field hospital, and of the sergeants first class, sergeants, corporals, and privates of the hospital corps who are members of regiments, separate battalions, and squadrons. The governor shall be authorized to increase the number of enlisted men in the hospital corps so as to provide for medical attendance in batteries, separate troops, and companies, and such additional men shall be considered a part of the hospital corps. The ambulance company shall consist of: For medical and bearer work; one major, surgeon, commanding; one captain, assitsant surgeon; one first lieutenant, assistant surgeon; four sergeants, first class; nine sergeants, one musician, thirty privates, first class, seventeen privates.

SEC. 4. The company officers shall be elected by ballot, by the members of their respective commands, subject to the approval of the commander-in-chief. If the candidate elected fails to receive the approval of the commander-in-chief, his name shall not again be presented to fill the vacancy, except by permission of the commander-in-chief. In all cases, a majority of all of the votes of the organization, cast at an election, shall be necessary to a choice. All commissioned officers shall hold their commissions for three years from the date of election, or appointment, and continuously thereafter, subject to removal at any time for cause. In case of vacancy, each officer and enlisted man, entitled to a vote at the election to fill the vacancy shall be served with a notice at his last known address, at least ten days prior to said election.

HOW RECRUITS ARE ENLISTED.

SEC. 5. After the organization of a company, battery, or troop, recruits may be enlisted into the same by the commanding officer, and shall be required to sign their names to an enlistment roll to be furnished by the adjutant general for that purpose, and such signing shall be legal enlistment. Every

commissioned officer shall be empowered to administer the oath required on enlistment.

MILITARY OFFICERS, HOW CHOSEN.

SEC. 6. The military officers of the State shall be chosen as follows: Field officers of the regiment, squadron and battalion by the written, or printed, votes of a majority of the commissioned officers of said company, squadron and battalion. The medical staff to be appointed by the commander-in-chief: *Provided*, That no officer, other than the medical staff shall be commissioned, until he has successfully passed an examination, as to his educational and technical qualifications, necessary to and efficient performance of his duty, before a board of three qualified examiners, to be appointed by the commander-in-chief. And no officer shall be commissioned who is under twenty-one years of age.

REGIMENTAL STAFF, HOW COMMISSIONED.

SEC. 7. The regimental staff shall be appointed by the colonel, and commissioned by the Governor, upon the recommendation of the commander thereof, subject to the provisions of section 6.

STAFF OFFICERS, HOW NOTIFIED.

SEC. 8. Staff officers of the regiment and battalion and officers appointed as herein provided shall be notified by letter of their appointment, by the adjutant general. They shall be allowed thirty days from the date of such letter in which to prepare for an examination which will consist of a thorough examination as to their fitness for their position, and shall be conducted by the board of examiners heretofore prescribed. Should any of these officers fail to pass the examination they shall be reported as incompetent and shall not be commissioned. And appointments shall be made to fill vacancy or vacancies as the case may require.

ENLISTED MEN ELIGIBLE FOR A COMMISSION, HOW.

SEC. 9. All members of any of the units of the National Guard of the State, who shall have served at least one year in the army of the United States or in the National Guards of this or some other State, or who shall have attended some school or college where military instruction is had, shall be eligible to enter an examination to determine their eligibility for a commission: *Provided*, That such examination shall be held

by the board of examiners heretofore provided, and shall consist of a thorough examination of the mental, moral and physical qualifications of the candidate. These examinations shall be in writing, and the questions therefor shall be prepared by the Board of Examiners. These questions shall be furnished the adjutant general who shall conduct the examination and forward the examination papers to the Board of Examiners, who shall carefully consider them and certify the names of the successful candidates to the adjutant general, who shall keep a roster of the same.

VACANCIES, HOW FILLED.

SEC. 10. When a vacancy occurs among the commissioned officers of any of the units aforesaid, the adjutant general shall notify the commanding officer, and furnish him a list of all the members of the command who are eligible to election. The commanding officers shall then order an election to be held, and shall furnish the list of eligible candidates to the officer directed to preside at the election.

OFFICERS TO FILE BOND, OATH OF OFFICE, ETC.

SEC. 11. An officer thus elected shall within ten days of his election file his bond and shall take and subscribe to the following oath or affirmation: "I do hereby solemnly swear (or affirm) that I will bear allegiance to the United States of America and to the State of Idaho; that I will serve them honestly and faithfully against all their enemies and opposers whomsoever; that I will observe and obey the orders of the President of the United States, the Governor of the State of Idaho, and the officers appointed over me according to the rules and articles for the government of the army of the United States and the National Guards of this State," before some officer qualified to administer oaths. The officer who administers this oath shall certify the fact and transmit the oath or affirmation, properly sealed and attested, to the adjutant general, who shall file the same.

HOW COMMISSIONED.

SEC. 12. A commission signed by the Governor and countersigned by the adjutant general under seal of the adjutant general's office, shall then be issued to the officer to take rank from the date of original appointment, or election. If it shall appear to the satisfaction of the Governor, by the affidavit of competent witness, that an officer offered any con-

sideration, reward or favor, for the withholding or casting off, a vote at the election at which he was chosen, he shall be dishonorably discharged from the service of the State: *Provided*, That no charge shall be allowed or pay received for any commission issued under the provisions of this act.

SEC. 13. The corps of cadets shall be organized and governed by such rules, as may be prescribed by the faculty of the university. They shall not be subject to duty in case of riots, tumults, breach of peace, resistance to process, invasion, or insurrection, but may only, with a consent of a majority of the faculty be ordered to parade, encampment or other military exercise. They may, under orders of the commander-in-chief, be paraded on the University grounds for inspection.

RETIRED LIST.

SEC. 14. The retired list shall consist of all ex-adjutants general, all ex-inspectors general, all ex-medical directors, ex-chief commissarys and quartermasters general, and such other officers as shall, after having served five years as officers, and enlisted men after having served nine years apply to the Governor to be placed on the retired list, without pay.

RANK OF OFFICERS, HOW DETERMINED.

SEC. 15. The rank of officers now in the service or hereafter commissioned, shall date from date of election or appointment, and an officer who has served continuously in the same grade for more than one term, either by re-election or appointment, shall take rank from the date of his first commission in that grade.

RESIGNATION OF OFFICERS, HOW TO BE ADDRESSED.

SEC. 16. The resignation of officers shall be addressed to the commander-in-chief and transmitted to the adjutant general, through the regular military channels; and all commanding officers, before forwarding a resignation, shall endorse thereon, their approval, or disapproval together with all facts bearing on the case. But an officer tendering his resignation shall not be considered out of the service until his resignation has been accepted.

COMMISSIONS VACATED, HOW DETERMINED.

SEC. 17. An officer who moves out of the county, where his command is located, or who absents himself from his com-

mands for one month without leave from his commanding officer, shall be considered as having vacated his office, and an election shall be ordered and held without delay to fill the vacancy.

COMPANIES, ABANDONED, HOW DETERMINED.

SEC. 18. Whenever a company, troop or battery, becomes reduced in number below the minimum strength, (fifty-eight enlisted men), or from general insubordination, contention, or other cause becomes demoralized and inefficient and its disbandment is therefore necessary for the good of the service, the commander-in-chief shall disband the same and order the officers thereof to be mustered out of service. But no member of the company, troop, or battery shall be dishonorably discharged except upon due trial and conviction by a court martial, or in some other lawful manner.

COMMAND OF TROOPS IN FIELD.

SEC. 19. The command of any military force called into service, under the provisions of this act, shall devolve upon the senior officer present of such force, until a field officer shall have been designated by the commander-in-chief.

SEC. 20. All officers and enlisted men of the National Guard of Idaho are hereby declared exempt from all poll or road tax, and jury duty, so long as they continue active members thereof.

TERM OF ENLISTMENT, HOW DISCHARGED.

SEC. 21. Every enlisted man shall be held to service for a term of three years unless he be properly discharged. Upon the expiration of the service of any enlisted man the commandment of his company, troop or battery, shall prepare a discharge on the blank furnished for that purpose, and submit it to the senior officer of the command to which he belongs, who, having signed it, will return it to the commanding officer of the company, troop or battery in time for it to be delivered to the man on the day on which his term of service expires. In all other cases, enlisted men will not be discharged except upon receipt of the specific order from the commander-in-chief directing such discharge. The company commander shall, upon his monthly return, report all discharges to his regimental, battalion, or squadron commander.

RESIGNATION OF OFFICERS, ACCEPTANCE OF, ETC.

SEC. 22. At the expiration of the term of service, or upon

the acceptance of the resignation of a commissioned officer, the adjutant general, upon the approval of the Governor, shall issue to such officer, a discharge, showing the reason therefor, and the length of term served.

DUTY OF ASSESSORS OF COUNTIES TO MAKE OUT LIST OF PERSONS
FOR MILITARY DUTY.

SEC. 23. It shall be the duty of the assessor of each county in the State, annually, at the time prescribed by law for assessing property, to make out a list of all persons in the respective counties who are liable to military duties under the laws of the United States and the State of Idaho, which list shall designate the precinct in which each person named in such list resides, and shall be filed with such assessor in the office of the county auditor, of the respective counties, at the same time and in the same manner as is provided by law for the assessment roll; and the auditor shall keep the same open for inspection, as is provided by law for the assessment roll, and also record the same, alphabetically in his office in a book kept for that purpose.

MILITARY ASSESSMENT, HOW MADE.

SEC. 24. The said military assessment list shall be corrected in the same manner, and at the same time, as is provided by law for the assessment roll; and it shall be the duty of the county auditor of each county within thirty days after the list has been corrected to transmit to the adjutant general of the State a certificate, under his official seal, of the total number of names on such military assessment list arranged according to the several precincts of the county.

ARMORY EXPENSES, HOW PAID.

SEC. 25. There shall be expended annually out of the general fund the sum of five hundred dollars, to each organized company of the National Guard for armory rent, and for rent of a State armory, until the State shall have provided and own such institution. If the officers of any company aforesaid, neglect to secure a proper armory for drill purposes, or are remiss or neglectful in their attendance at the regular drills, or the company habitually falls in attendance below a minimum of twenty-five enlisted men, a penalty of five dollars per drill shall be deducted from the said armory rent. And in addition thereto the county commissioners of each county may in their discretion, expend annually, not to exceed \$150.00 out of the

county current expense fund, for repairs or rent of armory buildings for the use of such company of the National Guard of Idaho as organized under the provisions of this title, and which shall meet, at least twice in each month, in such armory for military instruction.

STATE MILITARY BOARD, HOW COMPOSED.

SEC. 26. The State Military Board shall consist of the commander-in-chief, adjutant general, quartermaster general, a field officer and a captain of the line, to be designated by the commander-in-chief. It shall be the duty of the board to determine the necessary purchase of all equipment, supplies and stores required for the use of the National Guard.

ARTICLE III.

STAFF DEPARTMENTS, OFFICERS AND THEIR DUTIES, DUTIES OF ADJUTANT GENERAL.

SECTION 1. The adjutant general shall hold his office for a term of two years or until his successor is appointed and qualified, unless sooner removed for misconduct, or in the case of the vacation of his office by resignation duly accepted. He shall distribute all orders from the commander-in-chief; he shall be the organ of all communications from the State troops to the commander-in-chief, and shall attend him when required in a review of the State troops or whenever ordered in the performance of duty; he shall obey and issue, such orders as the commander-in-chief shall give in relation to all military matters, and shall be entitled to the use of the Coat of Arms of the State as his seal of office, with the words added thereto; "State of Idaho, Adjutant General's Office." He shall annually make return, in triplicate, of all militia of the State, one copy whereof he shall deliver to the commander-in-chief on or before the fifteenth day of December, one copy shall be transmitted to the President of the United States, on or before the first day of January thereafter, and one shall be filed in his office. He may have one chief clerk who shall be military storekeeper, and a quartermaster with the rank of captain, which officer shall be appointed and commissioned by the Governor upon the recommendation of the adjutant general, and shall at the time of his appointment be an officer in active service in the National Guard of Idaho, and shall be entitled to the rights and privileges of officers of the National Guard of corresponding rank.

The adjutant general shall, under the direction of the military board purchase clothing, camp and garrison equipage, ammunition, and such other military stores as may be authorized, all of which shall be given into the custody of the quartermaster general: *Provided*, That where it is deemed inexpedient for the quartermaster general to carry out the provisions of section 2, of article III, all such duties shall devolve upon the adjutant general.

SEC. 2. The quartermaster general shall keep in good order and preservation all ordnance and ordnance stores, clothing and equipment, camp and garrison equipage, flags, banners and military relics of all description, which are the property of the State and not issued to troops, and shall have control of the same, subject to the order of the commander-in-chief. He shall, upon requisition properly approved, issue ordnance and ordnance stores, clothing, camp and garrison equipage and such other stores as may be necessary to the respective commands.

DISBURSING OFFICERS, BONDS OF.

SEC. 3. The adjutant general shall require a bond from all disbursing officers of his department and other officers in charge of public property, the amount to be fixed by the State Military Board and approved by the commander-in-chief; which bonds when approved by the military board shall be filed in the office of the adjutant general.

ROSTERS, BOOKS OF RECORD, ETC., HOW PROVIDED.

SEC. 4. The adjutant general shall provide the several departments, on their requisition, with the necessary rosters, books of record, blank warrants, enlistments, discharges, rolls and other papers required by law and regulation at the expense of the State.

SALARY ADJUTANT GENERAL, CLERK, ETC.

SEC. 5. The annual compensation of the adjutant general in time of peace shall be one thousand eight hundred dollars and it shall be payable monthly out of the general fund not otherwise appropriated.

The salary of the chief clerk and military store keeper shall be one thousand two hundred dollars annually payable monthly out of the general fund not otherwise appropriated.

CURRENT EXPENSES.

SEC. 6. For the purpose of defraying the current expenses of the militia; extra clerical hire and labor in State armory when required by the adjutant general or the quartermaster general; the arming and equipping of companies thereof as they are organized, freight, expressage, telegraph, telephone, printing of necessary blank forms, orders, circulars, paper, envelopes and postage for the official use of the adjutant general's office and of regimental, battalion, and company commanders and such other imperative expenses not herein enumerated, there is hereby appropriated out of the general fund not otherwise appropriated the sum of two thousand six hundred dollars annually.

ARTICLE IV.

DISCIPLINE, UNIFORMS, DRILLS, ETC.

SECTION 1. The National Guard of Idaho shall be governed by the military law of the State, the code of regulations, the orders of the commander-in-chief, and, wherever applicable, by the regulations, Articles of War, and customs of the service in the United States Army.

ATTENDANCE AT DRILLS, ETC.

SEC. 2. Officers and enlisted men of each company, troop or battery, shall assemble for and undergo drill and instruction at the company, troop or battery armories, or for target practice, when ordered so to do by the commanding officer of such company, troop or battery.

SEC. 3. Any officer or member of any company, troop or battery, who absents himself from any meetings for drill or instruction without written consent of the officer in command, having been ordered to attend by general or special order shall be guilty of a misdemeanor, and it shall be the duty of the commanding officer of such company to cause a warrant for his arrest to be issued and he shall be tried before a justice of the peace as in the case of other misdemeanors, and upon conviction thereof shall be imprisoned in the county jail for a period not exceeding thirty days or by a fine not exceeding one hundred dollars or by both such fine and imprisonment.

DISCHARGE OF ENLISTED MEN, DISHONORABLE DISCHARGE AND RE-INSTATEMENT.

SEC. 4. Any member who absents himself from all meet-

ings for instruction during a period of thirty days, unless properly excused by his commanding officer, shall, in addition to all other penalties be debarred from the exemption from jury duty, be considered a deserter, and be dishonorably discharged. Any enlisted man may be so punished for absence from his command when called out for the suppression of riot or for any other active duty, for drunkenness, immoral conduct or insubordination, continued non-attendance at drills, or refusal to pay any fine properly imposed. Any enlisted man dishonorably discharged may, at the discretion of the Governor be re-instated provided his application for his reinstatement is approved by the officer who made the application for his discharge and provided that upon re-instatement he re-enters the service and serves out the unexpired term of his enlistment.

UNIFORMS OF OFFICERS SAME AS U. S. ARMY.

SEC. 5. The uniform and equipment of all the officers in the National Guard shall be the uniform for the officers in the United States Army except as to such minor changes as may be ordered by the commander-in-chief. The letters "I-D-A" (abbreviation for the word "Idaho"), shall appear on collars of all uniforms. The button shall have the Coat of Arms of the United States. Facings shall constitute a part of the uniform and these facings shall be distinct for each regiment, squadron or battery.

ALLOWANCES FOR OFFICES.

SEC. 6. Commissioned officers shall receive annually the sum of thirty dollars, mounted officers the sum of fifty dollars to assist in uniforming and equipping themselves, but not until they have performed eighty per centum of all ordered duty and been in active service as such a calendar year of twelve months, from date of commission.

UNIFORMS OF ENLISTED MEN TO BE THE SAME AS U. S. ARMY EXCEPT AS HEREIN PROVIDED.

SEC. 7. Each regiment, squadron or battery may also be equipped with full dress uniform at the expense of the individual members unless otherwise provided by the Legislature. But no uniform shall be selected for this purpose until recommended by a board of officers and the recommendation shall have been approved by the commander-in-chief.

PENALTY FOR LOSING OR DESTROYING UNIFORMS, ETC.

SEC. 8. Any member of the National Guard losing, destroying, mutilating, or making away with, any of the military property of the United States, thus furnished, or any part thereof, shall be punished at the discretion of a court martial.

PERSONS WEARING UNIFORMS NOT MEMBERS N. G. PENALTY.

SEC. 9. It shall be unlawful for any person, not a member of the National Guard, to wear any portion of the uniform prescribed for the National Guard of this State. Any person so offending shall, upon conviction, be fined in the sum of not less than five nor more than twenty-five dollars, or imprisoned in the county jail for a period of not more than twenty-five days. And whosoever shall secrete, sell, dispose of, offer for sale, purchase or retain, after proper demand is made, or in any manner pawn, or pledge, any uniform, overcoat, clothing or equipage, or any part thereof, which shall have been issued by the State, or purchased with company funds shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one, nor more than three months, or by a fine of not more than one hundred dollars, nor less than fifty dollars.

ENCAMPMENTS, HOW ORDERED.

SEC. 10. It shall be the duty of the commander-in-chief, under sections 14 and 18 of an act to promote the efficiency of the militia, and for other purposes, approved January 21, 1903, to order an encampment of the National Guard to be held each year, such encampment to be held at some convenient point to be selected by the commander-in-chief. At least one month's notice of such encampment shall be given each company commander by his commanding officer.

PAY OF OFFICERS AND MEN, HOW DETERMINED.

SEC. 11. Officers and enlisted men, when serving under the orders of the governor to prevent violation of the laws of the State, or to prevent or suppress riot, or insurrection, or to repeal, or prevent invasion, or during State encampments, or maneuvers, shall, until such time as other provisions is made for the payment of the services rendered, receive pay out of the general fund of the State, not otherwise appropriated, at the following rates: All commissioned officers shall receive the same pay as is paid to the United States Army officers of

like grade. Sergeant majors, quartermaster sergeants and hospital stewards shall be paid the sum of two dollars per day for the first twenty days' service; first sergeants and acting hospital stewards, one dollar and seventy-five cents per day for the first twenty days' service; sergeants and corporals, one dollar and sixty-five cents per day for the first twenty days' service, and privates one dollar and fifty cents per day for the first twenty days' service. After twenty days' service, fifty cents less per day for each of the above non-commissioned officers and privates. The necessary transportation, medical attendance and supplies, quarters and subsistence, shall also be provided for them and reasonable allowance shall also be made for animals necessarily used.

When the troops of the State, by order of the Governor, shall engage in any encampment or maneuver in conjunction with troops of the United States Army, in which case they receive the same pay as officers and men of like grade in the United States Army, the enlisted men shall receive the pay as in case of State encampment, less the pay received from the United States Government.

PAYMENTS, HOW MADE, ETC.

SEC. 12. Payments under the preceding section shall be made by the paymaster; no voucher for any such payment shall be audited unless certified as correct by the proper commanding officer and passed upon by the State Military Board; pay rolls of companies, troops and batteries, and also of field officers, non-commissioned staff of bands and regiments, shall be furnished and certified to by the commanding officer of such organizations.

COMPENSATION FOR OFFICERS SERVING ON BOARDS, COMMISSIONS AND COURTS.

SEC. 13. All officers detailed to serve on any board, commission or court, ordered by the Governor or under his authority by the commanding officer of the National Guard or by other proper authority in pursuance of any provision of this act shall be paid their actual expenses for each day actually employed in such board, commission or court, or traveling to and from the same; and shall be allowed mileage at the rate of seven cents for each mile necessarily traveled going and returning.

All such claims, under the provisions of the above section,

shall be allowed by the State Auditor and payment made out of the general fund of the State, not otherwise appropriated. *Providing*, Any or all such claims have been certified as correct and passed upon by the State Military Board, and accompanied by all receipts and vouchers covering the same.

ARTICLE V.

MILITARY COURTS.

SECTION 1. The Military Courts of this State shall be: (a) Courts of Inquiry; (b) General Courts Martial; (c) Summary Courts.

SEC. 2. Courts of inquiry and summary, or garrison courts, may be ordered under such regulations as may be prescribed by the Military Board in the Code of Regulation provided for in section 1, or article IV of this act.

GENERAL COURTS MARTIAL, HOW ORDERED, ETC.

SEC. 3. General courts martial for the trial of officers and enlisted men upon charges and specifications preferred by commissioned officers shall be ordered by the commander-in-chief, and shall consist of not less than five nor more than nine members and a judge advocate. The jurisdiction of, and the mode of procedure of, general courts martial shall conform to the jurisdiction and practice of like courts in the United States Army.

SEC. 4. The proceedings of all general courts martial, and all papers relating thereto, shall be transmitted to the adjutant general for the action of the commander-in-chief.

ATTENDANCE OF WITNESSES AT COURT MARTIAL, ETC.

SEC. 5. The president of the courts martial, court of inquiry, or a summary court, may issue subpoenas and force the attendance of witnesses, and punish a refusal, as provided for in civil court.

SEC. 6. When fines assessed by court martial, or courts of inquiry, are not paid within ten days after the sentence is approved, a list thereof, and of the delinquents certified by the judge advocate of such courts martial, or courts of inquiry, shall be placed in the hands of the justices of the peace, within the precinct in which the delinquents reside, who shall thereupon render judgment against such delinquents, separately, together with the costs of suits, without issuing process, and

shall issue process thereon, directed to any constable of the proper precinct who shall collect the same; and the money so collected shall, after deduction of costs, be paid over to such justices, who shall immediately dispose of the same as herein provided.

FINES AND DUES PAID TO TREASURERS OF COMPANIES.

SEC. 7. Fines assessed by courts martial and dues shall, when collected, be paid to the treasurer of the proper company, troop or battery for the use of the organization and all other fines shall when collected, be paid into the treasury of the proper county, to the credit of the State Military Fund.

CONSTABLE TAKE BODY OF DELINQUENT TO JAIL, CONFINEMENT, PROVISIO.

SEC. 8. Whenever any constable to whom execution shall have been issued, as provided in section 6 of this article, shall fail to discover sufficient goods and chattels to satisfy the same, he shall take the body of such delinquent and carry him to the common jail of such county; the jailor shall keep the said delinquent closely confined, without bail for one day for any fine or penalty not exceeding one dollar, and one additional day for each additional dollar, unless the fine or penalty, together with the costs be sooner paid; but no such imprisonment shall extend beyond the period of thirty days: *Provided, however,* That the prisoner may be liberated at any time by order of the officer who ordered the court that imposed the fine and penalty.

ARTICLE VI.

MISCELLANEOUS.

SECTION 1. When the State shall be called upon to furnish volunteers, the members of the National Guard shall be given preference in enlistment, but no member of the National Guard shall be required to enlist in the army of the United States in the event of war.

NATIONAL GUARD ORDERED INTO SERVICE BY PRESIDENT OF THE U. S.

SEC. 2. The National Guard of this State may be ordered into the service of the United States by the President of the United States, for any purpose for which he is authorized to

use the militia of the State by the Constitution and statutes of the United States.

INVASION OR INSURRECTION, HOW CALLED INTO SERVICE.

SEC. 3. When an invasion is made or an insurrection occurs, or is threatened, the Governor shall order the National Guard to repel, or suppress the same.

When there is in any town, city or county, a tumult, riot, mob or body of men, acting together by force with attempt to commit a felony or to offer violence to persons or property or by force and violence to break and resist the laws of the State, or when such tumult, riot or mob is threatened and the fact is made to appear to the Governor, the sheriff of the county, or the mayor of the city or town, the Governor may issue his orders to any commanding officer of any portion of the National Guard, directing him to order his command to appear at a time and place designated to aid the civil authorities to suppress such violence and to support the law.

OFFICERS TO CALL TROOPS TO COLORS; PENALTY FOR REFUSAL TO OBEY ORDERS.

SEC. 4. The officer to whom the order, or call is directed, shall forthwith order the troops therein mentioned to parade at the time and place appointed; and if he neglects or refuses to obey or if any officer refuses or neglects to obey any such order, issued in pursuance of any such call he shall be cashiered, and be further punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, or imprisonment not to exceed six months, or both, at the discretion of the court martial; or, a person who advises or endeavors to persuade an officer, or soldier, to refuse, or neglect, to appear at such place, or to obey such order, shall, on conviction thereof by the district court, be imprisoned not to exceed six months, or fine not to exceed one thousand dollars, or both, at the discretion of the court. All fines assessed under this section shall be paid to the treasurer of the State for the benefit of the State Military Fund.

ENLISTED MEN TO NOTIFY COMRADES WHEN CALLED TO SUDDEN DUTY.

SEC. 5. When the commanding officer of a company, troop, or battery, orders out his command for such duty, he may order enlisted men to notify the men in such organiza-

tion to appear at the time and place appointed. These men shall give notice of such time and place of meeting to each man personally or by leaving at his usual place of abode a written or printed order, signed by the enlisted men serving the same, which notice shall be sufficient warning.

PUNISHMENT FOR ENLISTED MEN WHO REFUSE TO OBEY ORDERS, ETC.

SEC. 6. Every enlisted man who refuses, or neglects, to serve such notice, when duly ordered so to do, and every officer and enlisted man who, having been served with notice as provided in the preceding section, refuses, or neglects, to obey the same promptly, shall be fined not less than five nor more than one hundred dollars, at the discretion of the court martial; all fines assessed under this section shall be paid to the treasurer of the proper county for the benefit of the State military fund.

RECORDS, HOW KEPT.

SEC. 7. Adjutants of battalions and squadrons and first sergeants of troops, batteries, companies, etc., shall attend to and record in books to be provided for that purpose all returns made; and perform such other duties as may from time to time be required of them by the commandant of the organization. In case of their absence suitable persons shall be required to perform their duties.

MUSTER ROLL, HOW MADE.

SEC. 8. The commanding officer of each company, troop, or battery, shall annually, in March, furnish the adjutant general a muster roll of his company, and shall within ten days after each encampment required by law, make a return to the battalion or squadron commander showing the state of his company with the number enrolled therein and the condition of all their arms, uniforms, equipments and ammunition. The commander of each regiment, squadron or battery shall, within twenty days after each encampment make to the adjutant general a like report of his command.

MILITARY PROPERTY, RETURNS MADE.

SEC. 9. Every officer, or other person, having the custody or control, of the military property of the State, shall,

from time to time, make a return of the same in such departments as the regulations may require.

CUSTODY OF MILITARY FUNDS, BONDS GIVEN, ETC.

SEC. 10. Every person having the custody of the funds of any military organization shall enter into bonds, in twice the amount likely to be held in his hands at any time, but never in less amount than one hundred dollars with not less than two good and sufficient sureties to be approved by the county clerk of the county in which said sureties reside, payable to the State of Idaho for the use of such organization for the faithful and honest discharge of his duties, and the careful keeping and disbursements of said funds.

FORMATION OF ASSOCIATION, BY-LAWS.

SEC. 11. The officers of any regiment, or battalion or squadron not part of their regiment, and members of any troop, battery, company, signal corps, hospital corps, or field music may organize themselves into an association, of which the commanding officer shall be president, and by a vote of two-thirds of all their members form by-laws, rules and regulations not inconsistent with this act, and which shall conform to the system prescribed in general regulations and be submitted to the commanding officer of the National Guard for his approval, and when approved by him, such by-laws, rules and regulations shall be binding upon all commissioned officers and enlisted men therein, but they may be altered in the manner provided for their adoption, from time to time, as may be found necessary.

COPIES OF ACT TO BE PRINTED AND DISTRIBUTED.

SEC. 12. The Governor shall, from time to time, cause such numbers of this act as may be deemed necessary to be printed and the same shall be distributed to the National Guard by the adjutant general.

SEC. 13. That all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

SEC. 14. An emergency existing therefor this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 216.

AN ACT

TO AMEND SECTION 8285 OF THE REVISED STATUTES OF THE STATE OF IDAHO, RELATING TO CHANGES OF PLACE OF TRIAL IN PROBATE AND JUSTICE COURTS, IN CRIMINAL ACTIONS AND PROCEEDINGS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 8285 of the Revised Statutes of the State of Idaho, be and the same is hereby amended to read as follows:

If the action or proceeding is in a probate or justice's court, a change of the place of trial may be had:

1. When it appears from the affidavit of the defendant that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before the probate judge or justice about to try the case, by reason of the prejudice or bias of such judge or justice, the cause must be transferred to any other justice of the county or the probate court thereof:

2. When in a justice's court it appears from affidavits that the defendants cannot have a fair and impartial trial, by reason of the prejudices of the citizens of the precincts, the cause must be transferred to a justice of a precinct where the same prejudice does not exist, or to the probate court.

Provided, The defendant shall have served written notice upon the prosecuting attorney of his intention to apply for such change of venue, at least twenty-four hours before the time set for such trial; or if the defendant fail to give such notice, such change may only be granted upon the payment by the defendant of all accrued costs.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 12, 1907.

HOUSE BILL NO. 172.

AN ACT

FIXING THE FEES PAYABLE TO THE SECRETARY OF STATE, AND REPEALING AN ACT ENTITLED "AN ACT TO AMEND SECTION 196 OF CHAPTER 6, POLITICAL

CODE OF THE REVISED STATUTES OF IDAHO, FIXING FEES PAYABLE TO THE SECRETARY OF STATE," APPROVED MARCH 11, 1901, AND ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The Secretary of State, for services performed in his office, shall charge and collect the following fees:

For a copy of any law, resolution, record or other document or paper on file in his office, twenty cents per folio.

For affixing certificate and seal of the State, one dollar.

For filing articles of incorporation:

- | | |
|--|----------|
| (a) When the authorized capital stock does not exceed \$25,000.00 | \$ 10.00 |
| (b) When the authorized capital stock exceeds \$25,000.00 and does not exceed \$50,000.00... | 20.00 |
| (c) When the authorized capital stock exceeds \$50,000.00 and does not exceed \$100,000.00.. | 40.00 |
| (d) When the authorized capital stock exceeds \$100,000.00 and does not exceed \$500,000.00 .. | 60.00 |
| (e) When the authorized capital stock exceeds \$500,000.00 and does not exceed \$1,000,000.00. | 100.00 |
| (f) When the authorized capital stock exceeds \$1,000,000.00 | 150.00 |

For filing certificates of increase of capital stock there shall be charged the fee hereinbefore prescribed for the total capitalization of the corporation, less the amount already paid for filing the original articles of incorporation.

For filing certificates of all other changes in articles of incorporation prescribed by law\$5.00

For issuing each certificate of incorporation, or qualification, or increase or decrease in capital stock\$3.00

For receiving and recording each official bond, twenty cents per folio.

For each commission, or other document signed by the Governor and attested by the Secretary, (pardons excepted) \$5.00

For searching records and archives of the State....\$1.00

But no member of the Legislature or State officer can be charged for any search relative to matters appertaining to the

duties of their offices; nor must they be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to their official duties.

For recording and indexing all papers and documents required by law to be recorded, twenty cents per folio.

For filing and indexing any map or other paper where the fee for the same is not already fixed by law.....\$2.00

For filing, recording and indexing designation of agent for foreign corporations\$2.00

For searching Legislative Journals for records of enacted and re-enacted laws, and certifying to the same.....\$5.00

For certifying and attaching certificate to any State law, published in pamphlet form, which shall include comparing the same with the enrolled act\$3.00

For any other certificate required of the Secretary of State, the fee for which is not hereinbefore prescribed.....\$3.00

For filing, recording and indexing any label or trademark\$3.00

For all services not hereinbefore provided for, such fees therefor as may now be prescribed by law.

All fees must be paid in advance.

SEC. 2. An act entitled "An act to amend section 196 of chapter 6, Political Code of the Revised Statutes of Idaho, fixing fees payable to the Secretary of State," approved March 11th, 1901, and all other acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved March 12, 1907.

HOUSE BILL NO. 235.

AN ACT

TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO ENABLE VILLAGES TO BECOME ORGANIZED AS CITIES OF THE SECOND CLASS AND PROVIDING FOR THE POWERS, DUTIES AND LIABILITIES OF CITIES SO ORGANIZED AND PRESCRIBING THE MEANS FOR CARRYING SUCH ORGANIZATION INTO EFFECT," APPROVED MARCH 9, 1903, AND DECLARING AN EMERGENCY

WHEREBY THIS ACT SHALL BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 of an act entitled "An act to enable villages to become organized as cities of the second class and providing for the powers, duties and liabilities of cities so organized and prescribing the means for carrying such organizations into effect," be, and the same is hereby amended to read as follows:

Section 1. Whenever any village containing more than one thousand inhabitants desires to discontinue its organization as a village and organize as a city of the second class and a number of the qualified electors of said village equal to three-fifths of the total vote as shown by the last preceding general village election, held in said village, shall petition the board of trustees of such village therefor, upon the filing of said petition with the village clerk of said village, it shall be the duty of said board of village trustees to forthwith pass and publish a resolution, in the manner provided for the passage and publication of village ordinances, declaring such municipal corporation to be a city of the second class and changing the corporate name of such municipality from the village of (inserting the corporate name of the village), to the city of (inserting the corporate name of such city).

In the event no equal village election has ever been held in said village, then, for the purpose of this act, the village trustees may, on their own investigation, determine whether the voters signing said petition equal in number three-fifths of the total vote of the village or such fact may be established by the affidavits of competent persons. Such resolution shall also find the existence of the above jurisdictional facts. Upon the passage, approval and publication of such resolution it shall be the duty of the clerk of such village to record the same in the general ordinance or record book of such village, in the manner provided for the recording of ordinances, and to forthwith make out a true copy of the same, duly certified by him, and deliver the same to the clerk of the board of county commissioners of the county in which said municipality may be situated, and such board of county commissioners at their next ensuing general or special meeting shall cause resolution to be entered and recorded therein the same as the original

order of incorporation of such municipality as a village was recorded.

SEC. 2. Whereas an emergency exists this act shall be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 53.

AN ACT

TO AMEND SECTION 2, 3 AND 6 OF AN ACT ENTITLED "AN ACT REGULATING THE SALE OF INTOXICATING LIQUORS," PASSED AND APPROVED FEBRUARY 6, 1891, AND TO AMEND SECTION 4 OF AN ACT ENTITLED "AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS, APPROVED FEBRUARY 6, 1891, AS AMENDED BY AN ACT APPROVED MARCH 4, 1901."

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That sections 2, 3 and 6 of an act entitled "An act regulating the sale of intoxicating liquors," passed and approved February 6, 1891, be amended to read as follows:

All applications for a license to sell intoxicating, spirituous, malt or fermented liquors or wines to be drunk or handled in, on or about the premises where sold must be made to the board of county commissioners of the county wherein it is proposed to sell such liquors, at least twenty days before the meeting at which said application shall be acted upon, and said application shall specify the precinct within which such place of sale is to be located, and said application may be granted or rejected by said board as hereinafter provided.

Section 3. Before any license is issued the applicant shall produce before such board the receipt of the sheriff, showing that he has paid into his hands the amount due for such license, and execute and deliver to said board his bond to the State of Idaho, which bond shall be in the penal sum of three thousand dollars with at least two good and sufficient sureties, residents and householders or freeholders of the county, who shall on oath justify in double the penal sum of the bond, to be approved by the board of county commissioners; said bond shall be in substantially the following form:

"Whereas of has applied or is about to apply to the board of county commissioners of..... county, Idaho, for a license to sell intoxicating liquors to be drunk or handled in, on or about the premises where sold at in said county, for the time of.....months from and after the.....

We hereby undertake that the above named..... if granted such license, will keep a quiet and orderly house for the sale of such intoxicating liquors, and will well and faithfully keep and observe all the laws of Idaho in regard to the sale of intoxicating liquors, and will well and faithfully keep and regard the provisions of any ordinances and regulations of any municipal organization of the place where such business is to be conducted relating to the keeping of saloons, taverns and the sale of intoxicating liquors, and if said..... fails to perform any of the conditions of this bond, or violates any of the provisions of the laws in regard to the sale of intoxicating liquors or the keeping of saloons and taverns, we will pay all costs, damages, fines and forfeiture resulting therefrom, not to exceed the sum of three thousand dollars;" and no such bond shall be void upon its first recovery, but it may be sued upon and recovered upon from time to time as herein authorized, until the whole penalty thereof is exhausted. The board of county commissioners may require any licensee under the provisions of this act to file an additional bond or furnish additional sureties at any time when in their judgment the bonds furnished by any licensee are insufficient: *Provided* That when application is made for the sale of intoxicating liquors as in this section provided for a place outside of any incorporated city, either upon their own motion or upon objections duly filed upon the part of any citizen and resident of the precinct within which it is intended to carry on such sale, the county commissioners shall determine whether or not the granting of such license will be conducive to the best interests of the community in which such saloon or business is proposed to be established, and whether or not such applicant is a fit person to have such license and carry on said business and whether or not such place of sale and business will likely be conducted in a quiet, orderly and peaceable manner, and should said board of county commissioners determine adversely to the applicant upon any grounds above specified, the license must be refused, and the sheriff shall re-

turn the amount deposited to said applicant; otherwise the said license may be granted; and such order of the board of county commissioners shall be subject to appeal to the district court as in the case of other orders of said board.

Section 6. When any person so licensed shall be convicted of a violation of any of the provisions of this act or any of the penal statutes of this State relating to the sale of intoxicating liquors or shall fail to conduct their place of business in a quiet, orderly and peaceable manner or shall violate any of the conditions of said bond hereinbefore provided for, the board of county commissioners may, and it is hereby made their duty to revoke said license. But such revocation shall not be construed to discharge such licensee or his sureties for any damage sustained by or right accrued to any person prior to said revocation.

SEC. 2. That section 4 of an act entitled an act to regulate the sale of intoxicating liquors, approved February 6, 1891, as amended by an act approved March 4, 1901, be and the same is hereby amended to read as follows:

Section 4. The amount to be paid by each applicant for such license shall be the sum of seven hundred and fifty dollars per year, and no license shall be issued under the provisions of this act for a less or longer period than one year.

Approved March 12, 1907.

HOUSE BILL NO. 220.

AN ACT

GRANTING TO IRRIGATION DISTRICTS THE RIGHT OF EMINENT DOMAIN WITH THE RIGHT OF EMINENT DOMAIN WITH THE POWER BY AND THROUGH ITS BOARD OF DIRECTORS TO CAUSE TO BE CONDEMNED AND APPROPRIATED IN THE NAME OF AND FOR THE USE OF SAID DISTRICTS ALL LANDS, WATER RIGHTS, RESERVOIRS, CANALS AND WORKS CONSTRUCTED OR BEING CONSTRUCTED BY PRIVATE OWNERS, AND LANDS FOR RESERVOIRS FOR THE STORAGE OF NEEDFUL WATERS, AND ALL NECESSARY APPURTENANCES AND OTHER PROPERTY NECESSARY FOR THE CONSTRUCTION, USE AND SUPPLY, MAINTENANCE, REPAIR AND IMPROVEMENTS OF SAID CANAL OR CANALS AND WORKS;

AND TO PROVIDE FOR THE ACQUISITION OF SAID CANALS, WATER RIGHTS AND PROPERTY BY PURCHASE OR OTHER LEGAL MEANS, AND EXTENDING THE TIME WITHIN WHICH SAID DISTRICTS IN CONDEMNATION PROCEEDINGS MUST PAY FOR SAID PROPERTY AFTER FINAL JUDGMENT AND PROVIDING THAT, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE PROVISIONS OF THE LAWS OF IDAHO RELATIVE TO THE RIGHT OF EMINENT DOMAIN ARE APPLICABLE TO AND CONSTITUTE THE RULES OF PRACTICE IN CONDEMNATION PROCEEDINGS BY SAID IRRIGATION DISTRICTS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. All irrigation districts organized under the laws of the State of Idaho shall have the right of eminent domain, with the power by and through its board of directors, to cause to be condemned and appropriated in the name of and for the use of said districts, all lands, water rights, reservoirs, canals and works constructed or being constructed by private owners, and lands for reservoirs for the storage of needful waters, and all necessary appurtenances and other property necessary for the construction, use and supply, maintenance, repair and improvements of said canal or canals and works.

SEC. 2. Said irrigation districts shall have the right by and through its board of directors to acquire by purchase or other legal means, any or all of the property mentioned and referred to in section 1 of this act.

SEC. 3. In any action or proceeding for the condemnation of any property mentioned and referred to in section 1 of this act, wherein said irrigation district is a party, the plaintiff must within six months after final judgment, pay the sum of money assessed, or said judgment will be annulled.

SEC. 4. Except as otherwise provided in this act, the provisions of the laws of Idaho relative to the right of eminent domain, civil actions and new trials and appeals, shall be applicable to and constitute the rules of practice in condemnation proceedings by said irrigation districts.

SEC. 5. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SEC. 6. An emergency existing therefor, this act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12, 1907.

HOUSE BILL NO. 98.

AN ACT

TO SET APART SUNDAY AS A DAY OF PUBLIC REST; TO PROVIDE FOR THE CLOSING OF SALOONS AND OTHER PLACES OF BUSINESS ON SUNDAY; TO PROHIBIT THE SELLING, GIVING AWAY OR DISPOSING OF ANY SPIRITUOUS, VINOUS, MALT OR INTOXICATING LIQUORS ON SUNDAY; TO PROVIDE FOR THE CLOSING OF PLACES OF PUBLIC AMUSEMENT AND PROHIBITING HORSE RACING ON SUNDAY; AND TO PROVIDE FOR THE PUNISHMENT OF THOSE GUILTY OF VIOLATING THE PROVISIONS OF THIS ACT, AND PROVIDING FOR THE DISPOSAL OF ALL FINES COLLECTED UNDER THE TERMS OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the first day of the week, commonly called Sunday, is hereby set apart as a day of public rest.

SEC. 2. It shall be unlawful for any person or persons in this State to keep open on Sunday for the purpose of any business, trade, or sale of goods, wares, or merchandise, any shop, store, building, or place of business whatever: *Provided*, That hotels and restaurants may furnish lodging and meals, and, *Provided*, That this section shall not apply to livery stables, or to stores in so far as the sale of medicines or sick room supplies are concerned, or to undertakers while providing for the dead, or to news stands in so far as the quiet sale and delivery of daily papers and magazines is concerned, nor to sale of non-intoxicating refreshments, candies and cigars.

Any person or persons violating this section shall be guilty of a misdemeanor and on conviction thereof said offender shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or shall be imprisoned in the county jail not to exceed thirty days and upon a second conviction by both such fine and imprisonment.

SEC. 3. It shall be unlawful for any person or persons in this State to keep open on Sunday any saloon, or place of any kind or description, in which spirituous, vinous, malt or any intoxicating liquors are at any time sold or exposed for sale, to be sold or exposed for sale; or to give, or sell, or otherwise dispose of any spirituous, vinous, malt or any intoxicating liquors except as provided for in others parts of this

act; or to keep open any theatre, playhouse, dance house, race track, merry-go-round, circus or show, concert saloon, billiard or pool room, bowling alley, variety hall, or any such place of public amusement.

Any person or persons violating this section shall be guilty of a misdemeanor and on conviction thereof said offender shall be fined in any sum not less than thirty dollars (\$30.00) nor more than two hundred and fifty dollars (\$250.00) for each offense, and shall be punished by imprisonment in the county jail not to exceed ninety days; and upon a second conviction any license which may have been granted for opening and maintaining any such place of business shall also be rendered void and not be renewed within two years next thereafter.

SEC. 4. It shall be unlawful for any person or persons in this State to engage on Sunday in horse racing.

Any person or persons violating this section shall be guilty of a misdemeanor and on conviction thereof said offender shall be fined in any sum not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or shall be imprisoned in the county jail not to exceed thirty days, or by both such fine and imprisonment.

SEC. 5. It shall be the duty of each prosecuting attorney, sheriff, constable, city or town marshal, or any and all other public officers in this State to inform against and diligently prosecute any and all persons guilty of the violations of the provisions of this act, either upon credible information as to any such violation, or upon reasonable cause to believe that there has been any such violation.

Any said officer who shall refuse or wilfully neglect to inform against and prosecute said offenders against this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and the court before which said officer shall be tried shall declare the office or appointment held by said officer vacant for the remainder of his term.

SEC. 6. All fines collected from the violation of this act shall be paid into the common school fund of the county.

SEC. 7. All acts and parts of acts, either general or special, in conflict with the provisions of this act are hereby repealed in so far as they conflict with the provisions of this act.

Approved March 12, 1907.

HOUSE BILL NO. 238.

AN ACT

LEVYING AN AD VALOREM TAX FOR EACH OF THE FISCAL YEARS 1907 AND 1908 TO PROVIDE REVENUES TO PAY THE GENERAL CURRENT EXPENDITURES OF THE STATE OF IDAHO DURING THE PERIOD BEGINNING ON THE FIRST MONDAY IN JANUARY, 1907, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1909, AND OTHER GENERAL EXPENDITURES FOR STATE PURPOSES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That there is hereby levied an annual ad valorem tax of five hundred thousand dollars (\$500,000) for each of the fiscal years 1907 and 1908 upon all property in the State of Idaho not legally exempt from taxation, for the purpose of providing revenues to pay the necessary general current expenditures of the State during the period beginning on the first Monday in January, 1907, and ending on the first Monday in January, 1909, and other general expenditures of the State.

SEC. 2. Whereas, an emergency exists therefor, this act shall be in force and effect from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 55.

AN ACT

PROVIDING FOR SUMMER NORMAL SCHOOLS AT BOISE, IDAHO; POCATELLO, IDAHO; AND COEUR D' ALENE, IDAHO; CREATING A STATE COMMISSION FOR THE MANAGEMENT THEREOF; AND MAKING APPROPRIATION THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That a commission of summer normal schools, be, and the same is hereby created, consisting of the State Board of Education, the principal of the Lewiston State Normal school, and the principal of the Albion State Normal school, which commission is hereby authorized to establish three summer normal schools.

SEC. 2. Said commission shall hold at least two meetings annually at a time and place to be designated by the Superintendent of Public Instruction, who shall act as chairman of the commission. The commission shall elect a secretary from their own number at their first regular meeting.

SEC. 3. Said commission shall determine the courses of study, fix the credit students shall receive for work performed in said schools, and engage a conductor and three or more assistant instructors for each of said schools. One of said instructors shall be from without the State of Idaho.

SEC. 4. The secretary shall keep an accurate record of all business transacted by the commission; keep on file in the office of the Superintendent of Public Instruction a duplicate itemized bill of all claims allowed, and make a full and complete report to the Governor on the first day of January of each year, showing items allowed and paid from the "Summer Normal School Fund."

SEC. 5. One of said schools shall be held at Pocatello, Idaho, either in the Academy of Idaho, or in such other place in said city as said commission shall select, one of said schools shall be held in Boise City, Idaho, either in the High school building, or in such other place in said city as the commission shall select, and one of said schools shall be held in Coeur d'Alene, Idaho, in such building in said city as the commission may select.

SEC. 6. The length of the annual term in each of said schools shall not be less than six weeks, beginning with the third Monday in July of each year, and the first term thereof shall be held in the year 1907.

SEC. 7. Any person may receive instruction in said schools who is a teacher, or expects to become a teacher, in the State of Idaho, or any other person desiring such instruction, by paying the enrollment fee of not less than one dollar, and otherwise complying with the regulations of the school.

SEC. 8. Said commission is authorized to expend for the expenses of conducting each of said schools not to exceed one thousand dollars per annum, of the money hereby appropriated by the State of Idaho, together with all sums received as enrollment fees.

SEC. 9. In case the annual enrollment of any one of said schools shall be less than seventy-five, said commission may

decrease the number of instructors accordingly, and in case said enrollment shall be less than fifty, said commission may discontinue said school. In case the annual enrollment exceeds one hundred, the commission is authorized to increase the number of instructors accordingly.

SEC. 10. It shall be the duty of the Superintendent of Public Instruction to visit each of said schools annually and inspect the work done.

SEC. 11. No part of the money appropriated by the State for the support of said schools shall be used for the payment of rent for the use of any of the buildings in which said schools may be held. The use of said buildings shall be furnished free by the locality where said schools are held.

SEC. 12. The sum of six thousand dollars, or so much thereof as may be required for the purposes herein stated, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and placed to the credit of the "Summer Normal School Fund" for the maintenance of said schools for the years 1907 and 1908.

SEC. 13. All bills, accounts, or claims arising in pursuance of the provisions of this act must be submitted by an itemized statement in writing, duly verified in duplicate, to the commission, which must be carefully examined by them and passed upon at a regular and special meeting.

For any claim found by them to be correct, they must transmit the original itemized bill, account or claim, signed by the secretary, to the State Board of Examiners, through the State Auditor's office, and when allowed by the State Board of Examiners, the same shall be paid by a warrant drawn by the State Auditor on the "Summer Normal School Fund."

Approved March 12, 1907.

HOUSE BILL NO. 105.

AN ACT

FOR THE RELIEF OF MRS. DELLA PYKE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the sum of four hundred (400) dollars be and the same is hereby appropriated out of any moneys

in the State Treasury not otherwise appropriated to Mrs. Della Pyke, for services rendered in connection with and as secretary of the board of trustees of the Idaho Industrial Training school, during the years 1905 and 1906.

SEC. 2. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

S.L. '09
H.B. 105 sec.
15 amended
S.L. '47 c. 210
sec. 1 p. 494

HOUSE BILL NO. 89.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TWENTY THOUSAND DOLLARS FOR THE PURPOSE OF COMPLETING THE GIRLS' DORMITORY OF THE ALBION STATE NORMAL SCHOOL AND FOR STARTING A BUILDING TO BE USED AS A MODEL SCHOOL BUILDING AND GYMNASIUM FOR SAID NORMAL SCHOOL, PROVIDING HOW THE PROCEEDS OF THE SALE OF SAID BONDS SHALL BE EXPENDED, AND PROVIDING A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME SHALL BECOME DUE, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of completing the girls' dormitory and for erecting a building to be used as a model school building and gymnasium for the Albion State Normal School, located at Albion, Cassia County, State of Idaho, a loan of twenty thousand dollars (\$20,000) is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho, upon the faith and credit of the State of Idaho.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed immediately upon passage of this act to issue forty (40) bonds of the State of Idaho, to be known as "The Albion State Normal School Bonds of 1907," in the sum of five hundred dollars (\$500.00) each, payable in twenty years from the date of their issuance to bear interest at the rate of not to exceed 4 per centum, per annum, payable semi-

annually on the first days of April and October in each year at the office of the State Treasurer, at Boise, Idaho, or at a bank in the city of New York to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance. Said bonds to be plainly numbered from one (1) to forty (40) consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached for the purposes of this act.

All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated by the great seal of the State and shall also be signed, or indorsed, by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of issuing said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name, affixing his official character and shall in like manner sign the coupons thereunto attached and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring, or mutilating the bonds, and shall be severally numbered from one (1) to forty (40), each bearing the corresponding number of the bond to which it is attached. The treasurer shall keep a register of all the bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser, or purchasers upon receipt of the purchase money therefor; and the money received from the sale of said bonds shall be by the said Treasurer placed in a certain fund to be known as "The Albion State Normal School Fund of 1907," for the purpose of completing the girls' dormitory and for erecting a building to be used as a model school building and gymnasium. None of said bonds shall be sold for less than their face or par value. The expense for printing, or lithographing, and securing said bonds with coupons attached, shall

to be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay the principal and interest of said bonds an annual ad valorem tax of four and one-half ($4\frac{1}{2}$) mills on each one hundred dollars (\$100.00) of the assessed valuation of all property in the State, not exempt from taxation, is hereby levied, and shall be collected as taxes for State purposes are collected and shall be paid into and constitute a fund to be known as "The Albion State Normal School Fund of 1907," from which fund the Treasurer shall pay the interest coupons attached to the said bonds as the same become due and, upon any interest pay-day, beginning with the twentieth, pay also as many of said bonds themselves as there may be moneys then in the said "The Albion State Normal School Fund of 1907," to pay, after reserving therein a sum sufficient to meet the semi-annual installment of interest next falling due.

SEC. 6. At any time after ten years from the issuance of said bonds whenever there shall be five thousand dollars (\$5,000.00) of said sinking fund, the Treasurer of the State shall make a call by publication for sixty days in some daily newspaper in this State, notifying all the parties interested that certain bonds of the Albion State Normal School bonds provided by this act, giving their numbers, will at a certain date be paid at the office of the Treasurer and the bonds so called shall cease to bear interest from and after the date in said call specified.

SEC. 7. At any time when money to the amount of one thousand dollars (\$1,000.00), or more, is in said sinking fund, it is hereby made the duty of the State Treasurer to invest such money in registered State warrants only, and to hold such warrants until they are redeemed as a part of said sinking fund, and whenever State warrants so held by the Treasurer are paid, the Treasurer shall certify the amount of interest that may have accrued thereon to the State Auditor and the amount of such interest shall thereupon be placed to the credit of and become a part of the general fund of the State, and the amount of the principal of said sinking fund invested in such warrants shall, upon the redemption of said warrants, be returned to said sinking fund to be reinvested in the same manner: *Provided*, That when the principal of said sinking fund is required for the redemption of the bonds called as provided for in this act, such principal shall not be so invested in such warrants.

SEC. 8. For the prompt payment of the interest that may accrue upon said bonds there is hereby appropriated for each year out of any moneys in the State Treasury, not otherwise appropriated, an amount equal to the amount of said interest on said bonds as the same may become due and for the payment of such interest when due, the Treasurer of the State shall reserve any and sufficient of the funds in his hands in preference to all other claims whatsoever, except the interest on bonds of the State heretofore issued pursuant to law.

SEC. 9. When moneys arising from the sale of said bonds are received by the State Treasurer, he shall notify the State Auditor of the amount of money so received and the State Auditor shall thereupon credit the Treasurer's account with the amount of the bonds sold.

SEC. 10. All moneys paid, or to be paid, into the said "The Albion State Normal School Fund of 1907" are hereby appropriated to the Albion State Normal School for the purpose stated in this act, to-wit: For completing the girls' dormitory, ten thousand dollars (\$10,000.00), and for starting a building to be used as a model school building and gymnasium, ten thousand dollars (\$10,000.00).

SEC. 11. All moneys appropriated in accordance with the provisions of this act shall be expended and the accounts therefor audited and paid in the manner provided in the act establishing said Albion State Normal School.

SEC. 12. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 9.

AN ACT

TO AMEND SECTIONS EIGHT AND TWELVE OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE CARE OF DELINQUENT CHILDREN," APPROVED MARCH 2, 1905, AND PROVIDE FOR THE APPOINTMENT OF PROBATION OFFICERS, AND THEIR COMPENSATION AND EXPENSES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 8 of an act entitled, "An act

to provide for the care of delinquent children" approved March 2, 1905, and hereby is, amended to read as follows:

Section 8. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by this act, the parent or parents, legal guardian, or person having the custody of such child, or any other person, responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed three hundred dollars or imprisoned in the county jail for a period not exceeding six months, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

SEC. 2. That section twelve of an act entitled "An act to provide for the care of delinquent children" approved March 2, 1905, be, and hereby is, amended to read as follows:

Section 12. The probate courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers having authority to act only upon the request and under the direction of the probate court and to receive such compensation for services actually performed as the probate court shall deem just and proper. The number of paid probation officers appointed and designated by the court shall be as follows: In counties in which the last school census shows a school population of over five thousand, not to exceed two probation officers; in all other counties not to exceed one probation officer. In case a probation officer shall be appointed, it shall be the duty of the judge of the court, if practicable, to notify the said probation officers when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require; and to take charge of any child before and after the trial as may be directed by the court or judge. Probation officers provided for by this act are hereby vested with all power and authority of sheriffs, constables and police officers to make arrests and perform other duties incident to their offices as probation officers.

SEC. 3. It shall be the duty of the board of trustees of each school district to report to the county school superintendent all cases of truancy, delinquency and incorrigibility which arise within their respective districts, and such county school superintendent shall immediately report such cases to the judge of the probate court.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1907.

SENATE BILL NO. 64.

AN ACT

MAKING DISPOSITION OF CERTAIN MONEYS IN THE HANDS OF THE SECRETARY OF THE BOARD OF TRUSTEES OF THE LEWISTON STATE NORMAL SCHOOL, AND CREATING A FUND FOR THE IMPROVEMENT OF THE BUILDINGS AND GROUNDS OF SAID INSTITUTION.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the sum of six hundred and fifty dollars now in the hands of the secretary of the board of trustees of Lewiston State Normal School as the proceeds of the sale of a building known as Reid Hall, originally erected to be used as a dormitory for men, and condemned and sold in accordance with resolutions of the said board of trustees, which appear on the minute book of the said board on pages 256 to 260, inclusive, and on page 266, is hereby directed to be paid into the State Treasury, and the same shall constitute a fund to be hereafter known as the "Lewiston State Normal Improvement Fund."

SEC. 2. All moneys which shall hereafter accrue from the sale of any such buildings or property as shall hereafter be condemned after regular action of the board of trustees of Lewiston State Normal School, shall be paid to the State Treasurer and be placed in the special fund provided for in the preceding section, and the State Auditor shall draw warrants on said fund on the certificate of the secretary of the board of trustees of said Lewiston State Normal School, countersigned by the president of the board.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 12, 1907.

HOUSE BILL 152.

AN ACT

GRANTING RELIEF TO THE FIRST NATIONAL BANK AT WALLACE, IDAHO, CAPITAL STATE BANK, OF BOISE, IDAHO, AND EWEN McINTOSH AND TRADERS' NATIONAL BANK, OF SPOKANE, WASHINGTON, AND APPROPRIATING THEREFOR THE SUM OF TWO THOUSAND SEVEN HUNDRED AND TWENTY-SIX AND 20-100 DOLLARS (\$2726.20).

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the relief of the First National Bank of Wallace, Idaho, out of the general funds of the State Treasury not otherwise appropriated, the sum of five hundred sixty-four and 58-100 dollars (\$564.58).

SEC. 2. There is hereby appropriated to the relief of the Capital State Bank of Boise, Idaho, out of the general sums of the State Treasury not otherwise appropriated, the sum of one thousand five hundred thirty-eight and 97-100 dollars (\$1538.97).

SEC. 3. There is hereby appropriated to the relief of Ewen McIntosh, out of the general funds of the State Treasury not otherwise appropriated, the sum of two hundred and 57-100 dollars (\$200.57).

SEC. 4. There is hereby appropriated to the relief of the Traders' National Bank of Spokane, Washington, out of the general funds of the State Treasury not otherwise appropriated, the sum of four hundred twenty-two and 8-100 dollars (\$422.08).

SEC. 5. That the State Auditor, upon proper vouchers being presented, is hereby authorized and directed to draw a warrant upon the general fund in the State Treasury not otherwise appropriated, in favor of the First National Bank of Wallace, Idaho, for the sum of five hundred sixty-four and 58-100 dollars (\$564.58), as provided in section 1 of this act;

and a warrant in favor of the Capital State Bank of Boise, Idaho, for the sum of one thousand five hundred thirty eight and 97-100 dollars (\$1538.97) as provided in section 2 of this act; and a warrant in favor of Ewen McIntosh for the sum of two hundred and 57-100 (\$200.57) as provided in section 3 of this act; and a warrant in favor of the Traders' National Bank of Spokane, Washington, for the sum of four hundred twenty-two and 8-100 dollars (\$422.08) as provided in section 4 of this act. And deliver such respective warrants to the respective persons above named.

SEC. 6. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 12, 1907.

HOUSE BILL NO. 123.

AN ACT

TO PROVIDE FOR AN ANNUAL LICENSE FEE AND THE FILING OF AN ANNUAL STATMENT UPON THE PART OF CORPORATIONS DOING BUSINESS IN THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Every corporation organized or formed under, by or pursuant to the laws of this State, whether now existing or hereafter created, and every foreign corporation, joint stock company or association now doing business in this State, or that may hereafter do business in this State, except fire, marine, fire and marine, life, accident, life and accident, surety companies and mining corporations owning mines which are not productive, being worked or operated, shall, during the month of June of each year and on or before the first day of July of each year furnish to the Secretary of State upon blanks to be supplied by him a correct statement, sworn to by one of the officers of the corporation, or managing agent or authorized attorney in fact in this State of any foreign corporation, joint stock company or association before an officer duly authorized to administer oaths, setting forth the name of the corporation, joint stock company or association, the location of its principal office, the names of the president, secretary and treasurer with the post-office address of each, date of annual election of directors and officers of such corporation, joint stock company or

association, the amount of authorized capital stock, the number of shares, the par value of each share, the amount of capital stock subscribed, the amount of capital stock issued and the amount of capital stock paid up. Every foreign corporation, joint stock company or association shall include in such statement the names and post-office address of its managing agent and attorneys in fact in this State.

SEC. 2. Every such corporation, joint stock company or association, foreign as well as domestic, shall pay an annual license fee in proportion to the amount of its authorized capital stock as follows, to-wit: If such capital stock shall not exceed \$5,000, an annual license fee of \$10; if such capital stock shall exceed \$5,000 and shall not exceed \$10,000, an annual license fee of \$12.50; if such capital stock shall exceed \$10,000 and shall not exceed \$25,000, an annual license fee of \$15.00; if such capital stock shall exceed \$25,000, and shall not exceed \$50,000, an annual license fee of \$22.50; if such capital stock shall exceed \$50,000 and shall not exceed \$100,000 an annual license fee of \$37.50; if such capital stock shall exceed \$100,000 and shall not exceed \$250,000 an annual license fee of \$52.50; if such capital stock shall exceed \$250,000, and shall not exceed \$500,000, an annual license fee of \$75.00; if such capital stock shall exceed \$500,000, and shall not exceed \$1,000,000, an annual license fee of \$90.00; if such capital stock shall exceed \$1,000,000 and shall not exceed \$2,000,000, an annual license fee of \$130.00; if such capital stock shall exceed \$2,000,000, an annual fee of \$150.00. The amount of the capital stock of every corporation, joint stock company or association shall be determined by its articles of incorporation, or amendments or supplementary articles of incorporation, charter, declaration, report or statement filed with the Secretary of State as in this act provided: *Provided*, That this section shall not apply to any foreign corporation formed or organized for any educational, literary, scientific, religious or charitable purpose.

SEC. 3. On or before the 15th day of July of each year the Secretary of State shall file with the State Treasurer a statement showing the amount of the license fee due as ascertained in the foregoing manner from the different corporations hereinbefore referred to. Within thirty days thereafter every such corporation shall pay or cause to be paid to the State Treasurer the license fee hereinbefore mentioned. Any such corporation failing or refusing to render such statement or

to amend the same when required to do so by the Secretary of State in case the same shall be incomplete, irregular or unsatisfactory or to pay such license fee for more than twenty days after the time specified, or any corporation, joint stock company or association doing business in this State contrary to this act shall be liable to a fine of \$100.00 to be recovered together with any license fee due, by an action at law in the name of the State to be instituted by any county attorney at the request of the Secretary of State. The annual license fee required by this section shall be paid in advance for the fiscal year beginning July 1st of each year, and in case new corporations are formed or enter the State during the fiscal year, the first year's fee shall be proportionate to such fraction of a year.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1907.

HOUSE BILL NO. 130.

AN ACT

AN ACT PROHIBITING THE INTERFERENCE WITH, BREAKING, DESTROYING, INJURING, CHANGING OR ALTERING ANY CANAL, DITCH, DAM, HEADGATE, OR APPURTENANCES, WHEREBY WATER IS CONDUCTED TO ANY PLACE FOR BENEFICIAL USE OR PURPOSES, AND PROHIBITING THE INTERFERENCE WITH, BREAKING, DESTROYING, INJURING, CHANGING OR ALTERING ANY WEIR, DAM, HEADGATE, OR OTHER MEASURING DEVICE, OR APPURTENANCES THERETO, USED OR TO BE USED FOR THE MEASUREMENT OF WATER, AND PROVIDING A PENALTY THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Any person or persons, who shall cut, break, damage, or in any way interfere with any ditch, canal, headgate, or any other works in or appurtenant thereto, the property of another person, corporation, or association of persons, and whereby water is conducted to any place for beneficial use or purposes, and when said canal, headgate, ditch, dam, or appurtenances are being used or are to be used for said conduct of water, shall be guilty of an indictable misdemeanor.

SEC. 2. Any person or persons, who shall cut, break, injure, destroy, enlarge, change or alter any headgate, sluice way, weir, water box, or other measuring device, the property of any irrigation district, corporation or association of persons, or in the possession of, or in the use of, said irrigation district, corporation, or association or the property of another, shall be guilty of an indictable misdemeanor.

SEC. 3. Any person or persons, who shall change, alter, destroy, disturb, enlarge or interfere with any headgate, dam, weir, water box, or other measuring device, made, placed, used or regulated by any duly appointed, elected, or authorized water master, deputy water master, ditch walker, ditch rider, engineer, or other authorized agent of any irrigation, company, corporation or association or person, when said measuring vice is being used or is to be used for the measurement of water, shall be guilty of an indictable misdemeanor.

SEC. 4. That where any lateral ditch has heretofore been, or may hereafter be constructed across the lands of another, then the person or persons owning or controlling the said land, shall have the right at his own expense to change said lateral ditch to any other part of said land, but such change must be made in such a manner as not to impede the flow of the water therein or to otherwise injure any person or persons using or interested in such lateral ditch.

SEC. 5. Any person or persons violating any of the provisions of this act shall be guilty of an indictable misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding three hundred dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1907.

HOUSE BILL NO. 128.

AN ACT

FOR THE RELIEF OF THE HOLDERS OF CERTAIN STATE UNIVERSITY WARRANTS ISSUED BY AUTHORITY OF THE IDAHO LEGISLATURE FOR THE PURPOSE OF ERECTING A UNIVERSITY BUILDING AND REPEALING AN ACT EN-

TITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN STATE UNIVERSITY WARRANTS ISSUED BY AUTHORITY OF THE IDAHO LEGISLATURE FOR THE PURPOSE OF ERECTING A UNIVERSITY BUILDING," APPROVED MARCH 15, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The sum of fifteen thousand (15,000) dollars or as much thereof as may be necessary is hereby appropriated for the purpose of paying certain warrants and interest thereon, which warrants were issued by the Board of Regents of the University of Idaho, under the provisions of an act entitled "An act to amend an act entitled 'An act to establish the University of Idaho,' " approved February 24, 1893, said warrants having been issued in payment of services rendered and materials furnished in the erection of a building for the State University of Idaho, said claims being numbered and named, with the amounts thereof, as follows:

University Warrant No.	Holder	Amount, Principal and Interest.
66.....	E. Kaufman.....	\$2,870.31
67.....	Lindol Smith	377.87
68.....	W. L. Payne, Treasurer.....	2,641.66
69.....	E. Kaufman	403.50
70.....	Durnham & Kaufman	1,761.80
73.....	E. Kaufman	1,233.26
75.....	W. L. Payne, Treasurer.....	881.00
76.....	E. Kaufman	440.45
79.....	Durnham & Kaufman	1,761.80
80.....	Spokane & Eastern Trust Co...	352.37
81.....	Spokane & Eastern Trust Co...	352.37
84.....	Spokane & Eastern Trust Co...	176.18
85.....	Spokane & Eastern Trust Co...	176.18
86.....	Spokane & Eastern Trust Co...	176.18
87.....	W. L. Payne, Treasurer	176.20
88.....	E. Kaufman	176.18
90.....	Spokane & Eastern Trust Co...	174.88
91.....	Spokane & Eastern Trust Co...	305.83

SEC. 2. The State Auditor is hereby authorized and required, and it is made his duty, upon presentation of foregoing the University warrants, to draw his warrant in favor of the persons named in the foregoing section, for the amount set opposite said number and name, and it is made the duty

of the State Treasurer, upon presentation of the said Auditor's warrant, to pay the same.

SEC. 3. An act entitled "An act to provide for the payment of certain University warrants issued by authority of the Idaho Legislature for the purpose of erecting a University building," approved March 15, 1905, is hereby expressly repealed.

SEC. 4. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 142.

AN ACT

TO PROVIDE FOR THE EDUCATION OF THE DEAF, DUMB AND BLIND.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The State Board of Education is hereby empowered and authorized to make the necessary arrangements for the education of the deaf, dumb and blind of this State, including the providing of a suitable building therefor and equipping the same so far as may be necessary, including also the arranging for the conveyance of the scholars to and from the school, at the expense of the State, and including the hiring of a superintendent, instructors and employes, and the fixing of their compensation and such other matter as may be necessary to carry into effect the provisions of this act: *Provided however*, That the State Board of Education may, if it becomes necessary, enter into contract with one or more of the adjacent states or territories (having an institution for the education of the deaf, dumb and blind) for the education of the deaf, dumb and blind of the State of Idaho, upon the most economical terms possible: *Provided however*, That if it should become necessary to make any such contract, no more than three hundred dollars (\$300) per year shall be paid for each scholar's instruction and board, including board during vacation.

SEC. 2. The State Board of Education is authorized to provide for the careful examination of all applicants for ad-

mission to the school to be provided by the said board and the expenses of the said examinations and all other expenses in connection with the education of the deaf, dumb and blind, under the authority conferred by this act, shall be paid out of the State Treasury, as provided by law.

SEC. 3. All children between the ages of six (6) and twenty-one (21) years and who are too deaf or too blind to be educated in our public schools shall be deemed deaf and blind for the purposes of this act.

SEC. 4. It shall be the duty of the Board of Education to ascertain the number of deaf, dumb and blind persons in the State, as defined by the preceding section, and, as soon as practicable thereafter, to take the necessary steps for their education, as provided for in this act.

SEC. 5. It is hereby made the duty of the census marshal of each school district in the State of Idaho, when he shall enumerate the children of school age in his district, to carefully ascertain what children in that district are deaf or blind, as defined in section 3 of this act, and he shall note the name, age and sex of such child or children, also the name of parents or guardian or other person having the legal or actual charge of such child or children, and shall report the same to the county superintendent of public instruction and said county superintendent of public instruction shall immediately report the same to the State Superintendent of Public Instruction.

SEC. 6. An act entitled "An act to provide for the education of the deaf, dumb and blind," approved March 14, 1891; also an act entitled "An act to provide for the education of the deaf, dumb and blind," approved February 7, 1899; also an act entitled "An act to provide for taking the census of the deaf and blind children of school age and defining who are deaf and blind," approved March 13, 1899, and all other acts and parts of acts in conflict herewith are hereby expressly repealed.

SEC. 7. That the sum of \$32,000.00 or as much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the purpose of carrying out the provisions of this act in the education of the deaf, dumb and blind.

SEC. 8. Whereas, an emergency exists therefor, this act shall be in force from and after its passage and approval.

Approved March 12. 1907.

HOUSE BILL NO. 129.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TEN THOUSAND DOLLARS, AND APPROPRIATING THE PROCEEDS THEREOF FOR THE REPAIR AND IMPROVEMENT OF THE ELK CITY-DIXIE WAGON ROAD AND THE ELK CITY-ORA GRANDE WAGON ROAD, AND FOR THE CONSTRUCTION OF BRIDGES, AND THE REPAIR OF OTHERS, ON AND ALONG SAID ROADS, AND FOR THE PURCHASE OF THE KOOSKIA AND TAHOE TOLL ROAD, AND FOR THE CONSTRUCTION OF A TRAIL BETWEEN A POINT AT OR NEAR THE MOUTH OF KELLY CREEK, AT THE FOOT OF KELLY MOUNTAIN, AND THE MOUTH OF BEAR CREEK, ALL IN IDAHO COUNTY, AUTHORIZING THE LEVY OF AN AD VALOREM TAX TO PROVIDE A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE ACCRUING INTEREST THEREON, PROVIDING FOR A COMMISSIONER WHO SHALL HAVE GENERAL CONTROL OF THE REPAIR, IMPROVEMENT, PURCHASE AND CONSTRUCTION OF SAID ROADS, BRIDGES AND TRAIL AND OF THE DISBURSEMENT OF THIS APPROPRIATION, AND PRESCRIBING THEIR POWERS AND DUTIES AS SUCH, AND PROVIDING WHEN AND HOW THIS APPROPRIATION SHALL BE EXPENDED OR DISBURSED, AND PROVIDING, FURTHER, THAT IF THE LEGISLATURE SHALL HEREAFTER VEST THE BOARD OF COUNTY COMMISSIONERS OF IDAHO COUNTY WITH AUTHORITY TO MANAGE AND CONTROL THE DISTRIBUTION OF THIS APPROPRIATION, THEN SAID BOARD OF COUNTY COMMISSIONERS SHALL EXERCISE SUCH AUTHORITY IN THE PLACE AND STEAD OF THE BOARD BY THIS ACT CREATED.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of repairing and improving the Elk City-Dixie wagon road in Idaho county, which road extends from a point where the Grangeville-Harpster, Stites-Clearwater and Elk City-Dixie wagon roads form a junction, to Dixie via Elk City, and the Elk City-Orla Grande wagon road in said county, which road extends from Elk City to Orla Grande, a distance of about sixteen miles, and for the purpose of constructing a wagon bridge where said Elk City-Dixie wagon road crosses Newsome Creek, at or near the mouth of Sing Lee Creek, and at such other points where the same crosses

American River and Red Horse Creek, as may be necessary, and for repairing any and all wagon bridges now built, over which either of said roads passes and for the purpose of constructing a trail in said Idaho County from a point at or near the mouth of Kelly Creek, at the foot of Kelly Mountain, through what is known as the "Crevice," thence up the Salmon River and along the meander of the north bank thereof to the Knott Ferry, thence up the Salmon River and along the meander of the south bank thereof to the mouth of Bear Creek, and for the purpose of purchasing the Kooskia and Tahoe toll road extending between Kooskia and Tahoe in said county, a loan of ten thousand dollars is hereby authorized to be negotiated upon the faith and credit of the State of Idaho.

SEC. 2. There is hereby created a commission which shall select the sites of said bridges, within the bounds hereinbefore specified, which shall have general supervision and control of the purchase of said toll road and of the construction or repair of said bridges and of the repair and improvement of said wagon roads and of the construction of said trail during the construction, repair or improvement thereof, which shall receive the same when completed and certify the completion thereof to the Governor of the State of Idaho, and which shall supervise and control the disbursement of the funds provided and appropriated by this act, or so much thereof as may be necessary. Said commission shall consist of the State Engineer, one commissioner appointed by the Governor of the State of Idaho residing in Idaho County, and one commissioner appointed by the board of county commissioners of Idaho County.

For their services as such commissioners, with the exception of the State Engineer, they shall each receive the sum of five dollars per day and their actual and necessary expenses incurred while actually and necessarily engaged in the discharge of their duties, *Provided*, That the Governor shall have power to remove either of the two commissioners last named for inefficiency, extravagance or neglect of duty and appoint their successors, *Provided further*, That the said commission shall not enter upon the duties and exercise of the powers herein set forth until the tenth day of May, 1907, *Provided further*, That if the Legislature of the State of Idaho shall hereafter vest the board of county commissioners of Idaho County with power and authority to select the sites of said bridges within the bounds hereinbefore specified, to have general supervision of the construction, improvement or repair of said bridges, wagon

roads and trail, to receive the same when completed and certify the completion thereof to the Governor of the State of Idaho, and to supervise and control the purchase of said toll road and the disbursement of the funds provided and appropriated by this act, or so much thereof as may be necessary, then such board of county commissioners shall have and exercise said powers and authority in the manner provided by the act of the Legislature conferring such powers and authority upon said board and in accordance with the provisions thereof, and shall supercede or take the place of the commission hereinbefore provided for in the exercise of the powers and the performance of the duties hereinbefore set forth.

SEC. 3. Upon the completion of the construction of said bridges and trail and the improvement and repair of said wagon roads, and bridges, and the issuance of the certificate of completion thereof to the Governor of the State of Idaho, or upon the Legislature conferring power and authority upon the board of county commissioners of Idaho County in the manner set forth in section 2 of this act, the commission provided for in section 2 of this act shall no longer exist.

SEC. 4. Said wagon roads and bridges shall be repaired and improved and said bridges and said trail constructed upon such plans and specifications as may be approved by the commission provided for by section 2 of this act, or by the board of county commissioners of Idaho county in case said board shall be empowered by the Legislature of the State of Idaho to act in the manner set forth in section 2 of this act.

SEC. 5. The repair and improvement of said wagon roads and bridges and the construction of said trail and bridges shall be let by contract to the lowest and best bidder, who shall give a good and sufficient bond for the construction, improvement or repair of the same, according to the plans and specifications aforesaid, in such sum as said commission or said board of county commissioners may deem proper.

SEC. 6. The cost and charges for making surveys for said bridges, roads and trails, and the expenses per diem of the commission provided for in section 2 of this act (in case said commission performs the duties and exercises the powers set forth in said section 2) shall be included as part of the cost and value of making said repairs and improvements and of constructing a trail and bridges, as mentioned in section 15 of this act.

SEC. 7. When completed, accepted and paid for said bridges, roads, toll road and trail shall become and be the property of Idaho County.

SEC. 8. That for the purpose of securing the payment of said loan the Treasurer of this State is hereby authorized, empowered and directed to issue bonds of the State in the sum of five hundred dollars each, payable in twenty years from the date of their issuance, to bear interest at a rate of not to exceed four per cent per annum, payable semi-annually on the first days of January and July in each year at a place to be selected by the Treasurer of said State, but such bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten years from the date of their issuance, and shall be numbered from one to twenty consecutively. The State Treasurer shall cause to be printed or lithographed suitable bonds, in proper form, with coupons attached. All such bonds shall be signed by the Secretary of State of the State of Idaho with his own proper name, affixing his own official character, and shall be authenticated by the great seal of the State of Idaho, and shall be signed by the Governor of the State in his own proper name, with his official character affixed, and then shall be delivered by the Secretary of State to the State Auditor who shall make and keep a register of such bonds showing the number and amount of each bond, and deliver the same to the State Treasurer and charge him on the official books of the Auditor's office with the full amount of such bonds.

SEC. 9. At the time of issuing said bonds the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State of Idaho. The coupons for the payment of interest shall be attached to such bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to twenty, each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all the bonds issued by him under this act, showing the date of issuance, and shall deliver said bonds, with the coupons attached as aforesaid, to the purchaser or purchasers thereof upon receipt of the purchase money therefor, and the money received upon the sale of the bonds herein provided for shall be used in the construction of said trail and bridges and in the repair and improvement of said roads and bridges and the purchase of said toll road and

the payment of the other expenses authorized by this act, and shall be disbursed as by this act, *Provided, however,* That none of such bonds shall be sold for less than their face or par value. The expense of printing or lithographing and procuring suitable bonds, with coupons attached, shall be paid out of the funds arising from said sale as an expense incidental to the construction of said bridges and trail and the improvement and repair of said wagon roads and bridges, and the purchase of said toll roads.

SEC. 10. For the purpose of creating a fund to pay the interest coupons and the principal of said bonds, in addition to the taxes now imposed by law, an additional ad valorem tax of three-quarters of a mill upon each one hundred dollars of the assessed valuation of all property in this State not exempt from taxation, is hereby levied and shall be collected as other taxes for State purposes. All moneys collected by the State Treasurer as the proceeds of the tax hereby levied shall be set apart by him and shall constitute a separate and distinct fund to be known as the Idaho County Bridge and Wagon Road Fund. The State Treasurer shall pay the interest on said bonds, when due, out of said fund, taking the coupons as his vouchers therefor. After the expiration of ten years from the issuance of any of said bonds, whenever there shall be two thousand one hundred dollars in the said fund over and above the amount required for the payment of interest coupons due or to become due within the ensuing six months, the State Treasurer shall use such surplus money in the redemption of said bonds, in the order of their numbers and date of issuance, of which the State Treasurer shall give notice by publication once a week for four consecutive weeks in some newspaper published at the State capital, and from the date of the last publication of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within sixty days from the date of the last publication of such notice the Treasurer shall apply the money for the redemption of the bonds next in number and according to the date of their issuance.

SEC. 11. If at any time there shall not be sufficient moneys in said fund to pay the interest coupons or the principal of such bonds when due, the said Treasurer shall pay the same out of the general funds of the State and shall replace the amount so paid out of said special fund whenever moneys intended for the same shall be received.

SEC. 12. If at any time, prior to the time when the bonds herein provided for shall become subject to redemption, the amount of money in said sinking fund shall exceed the amount required for the payment of interest coupons of such bonds, due or to become due within the next ensuing twelve months, the State Treasurer shall use such surplus in the payment of any warrants drawn upon him by the State Auditor and presented for payment and not paid for want of money in the fund upon which they are drawn, and shall register and endorse such warrants in the manner provided by section 238 of the Revised Statutes of Idaho, 1887, and place the same, so endorsed, to the credit of the sinking fund aforesaid, and such warrants shall bear interest and be payable in due course as other outstanding warrants, and when paid the principal and interest thereof shall belong to the sinking fund aforesaid, and shall be in like manner re-invested until said bonds become redeemable as aforesaid.

SEC. 13. For the payment of the bonds by this act authorized and the interest accruing thereon, according to the strict terms thereof, the faith of the State of Idaho is solemnly pledged, and for the payment of the interest on the bonds hereby authorized, in lawful money of the United States, as said interest shall accrue, the State Treasurer shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest on other State bonds heretofore issued under acts passed by the Legislature of the State of Idaho.

SEC. 14. The State Treasurer shall commence negotiations for the issuance and sale of all the bonds herein provided for immediately upon the passage and approval of this act.

SEC. 15. That no part of this appropriation shall be expended or disbursed for the repair and improvement of said Elk City-Dixie wagon road or for the construction or repair of any bridge over which said road passes or will pass until after the sum of five thousand dollars shall have been raised for this purpose by Idaho County, or by private subscription, or otherwise than by the State; and that no part of this appropriation shall be expended or disbursed for the repair and improvement of the Elk City-Ora Grande wagon road or for the repair of any bridge over which said road passes until after the sum of one thousand dollars shall have been raised for this purpose by Idaho County, or by private subscription, or otherwise than by the State; and that no part of this appropriation

shall be expended or disbursed for the construction of said trail until after the sum of two thousand dollars, shall have been raised for this purpose by Idaho County or by private subscription, or otherwise than by the State; that when such sums, or any of them, are made available the Governor of the State shall be appraised thereof and he shall then certify to the State Treasurer that such sum or sums has been raised.

SEC. 16. That two thousand dollars of this appropriation shall be expended and disbursed by said commission, or by the county commissioners, in the purchase of said toll road; *Provided, however,* No part of this appropriation shall be disbursed or expended for the purchase of said toll road until after a sum shall be raised by Idaho County, or by private subscription, or otherwise than by the State, which together with the said sum of two thousand dollars will pay for said road in full. When the Governor of this State shall be satisfied that such sum has been raised he shall so certify to the State Treasurer.

Approved March 12, 1907.

HOUSE BILL NO. 134 (SUBSTITUTE FOR HOUSE BILL 8.)

AN ACT

TO PRESCRIBE AND REGULATE THE EMPLOYMENT OF MINORS IN REMUNERATIVE OCCUPATIONS, TO PROHIBIT UNHEALTHFUL, DANGEROUS OR IMMORAL OCCUPATIONS, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any such business or service whatever during the hours in which the public schools of the district in which the child resides are in session, or before the hour of six o'clock in the morning, or after the hour of nine o'clock in the evening: *Provided,* That any such child, over the age of twelve

years may be employed at any of the occupations mentioned in this act during the regular vacations of two weeks or more of the public schools of the district in which such child resides.

SEC. 2. No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instruction in spelling, English grammar, and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.

SEC. 3. Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen years of age and over fourteen years of age to work in any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors.

SEC. 4. No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than fifty-four hours in any one week, nor more than nine hours in any one day; nor before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening.

SEC. 5. Whoever employs a child under sixteen years of age, and whoever, having under his control a child under such age permits such child to be employed in violation of sections 1 and 2 of this act shall, for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer, probation officer or school authority shall, for every day thereafter that such employment continues be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer, policeman, probation officer or school authority, the age record required by this act shall be prima facie evidence of the illegal employment of any person whose age record is not produced. Any parent, guardian or custodian of a minor under sixteen years of age who knowingly swears falsely as to the age of such

child for the purpose of obtaining an age record, is guilty of perjury.

SEC. 6. Any person, whether as parent, relative, guardian, employer or otherwise, having the care, custody or control of any child under the age of sixteen years, who exhibits, uses or employs in any manner or under any pretense, sells, apprentices, gives away, lets out or disposes of such child to any person, under any name, title or pretense, for or in any business, exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, acrobat, or contortionist, or rider, or in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for or in any mendicant, or wandering business whatsoever, or who causes, procures or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. Every person who takes, receives, hires, employs, uses, exhibits or has in custody any child under the age and for any of the purposes mentioned in this section, is guilty of a like offense and punishable by like imprisonment. Nothing in this section contained applies to or effects the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning of the science or practice of music.

SEC. 7. Any person, whether as parent, guardian, employer or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed, any minor, to any saloon, gambling house, house of prostitution or other immoral place; or who shall employ any minor to serve intoxicating liquors to customers, or who shall employ a minor in handling intoxicating liquor or packages containing such liquors in a brewery, bottling establishment or other place where such liquors are prepared for sale or offered for sale, shall, for each offense, be punished by a fine of not less than fifty dollars or imprisonment for not less than two months or by both such fine and imprisonment.

SEC. 8. The probation officer, or in counties where there is not probation officer, one or more of the school trustees, shall visit the various places of employment mentioned in sections

1 and 7 of this act and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall bring complaint for offenses under this act to the attention of the prosecuting attorney for prosecution, but nothing herein shall be held to prohibit any reputable citizen from bringing complaint for violations of this act. All offences under this act shall be prosecuted in the probate court.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1907.

SENATE BILL NO. 117.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF THREE THOUSAND DOLLARS, AND APPROPRIATING THE PROCEEDS THEREOF FOR THE CONSTRUCTION OF A WAGON ROAD BETWEEN A POINT AT OR NEAR THE TOWN OF MEADOWS, IN WASHINGTON COUNTY, AND THE PAYETTE LAKES, IN BOISE COUNTY, AUTHORIZING THE LEVY OF AN AD VALOREM TAX TO PROVIDE A SINKING FUND FOR THE PAYMENT OF SUCH BONDS AT MATURITY AND THE ACCRUING INTEREST THEREON, PROVIDING FOR A COMMISSION WHO SHALL HAVE GENERAL CONTROL OF THE CONSTRUCTION OF SAID WAGON ROAD AND OF THE DISBURSEMENT OF THIS APPROPRIATION, AND PRESCRIBING THEIR POWERS AND DUTIES AS SUCH, AND PROVIDING WHEN AND HOW THIS APPROPRIATION SHALL BE EXPENDED OR DISBURSED.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. For the purpose of constructing a wagon road from a point at or near the town of Meadows, in Washington county, running in a northerly direction along the south bank of Goose Creek to a point where Little Goose creek intersects Big Goose creek, thence along and up Little Goose creek in an easterly direction, to what is known as "The Rock Flat Mine," thence in an easterly direction over the most feasible route to the Payette Lakes in Boise county, a loan of three thousand dollars is hereby authorized to be negotiated upon the faith and credit of the State of Idaho.

SEC. 2. There is hereby created a commission which shall have general supervision and control of the construction of said wagon road, which shall receive the same when completed and certify the completion thereof to the Governor of the State of Idaho, and which shall supervise and control the disbursement of the funds provided and appropriated by this act, or so much thereof as may be necessary. Said commission shall consist of the State Engineer, one commissioner appointed by the board of county commissioners of Boise county and one commissioner appointed by the board of county commissioners of Washington county. For their services as such commissioners, with the exception of the State Engineer, they shall each receive the sum of five dollars per day and their actual and necessary expenses received while actually and necessarily engaged in the discharge of their duties: *Provided*, That the said commission shall not enter upon the discharge of the duties and exercise the powers herein set forth until the 15th day of May, 1907.

SEC. 3. Upon the completion of the construction of said wagon road and the issuance of the certificate of completion thereof to the Governor of the State of Idaho, the commission provided in Section 2 of this act shall no longer exist.

SEC. 4. Said wagon road shall be constructed upon such plans and specifications as may be approved by the commission provided for in section 2 of this act.

SEC. 5. The construction of said wagon road shall be let by contract to the lowest and best bidder, who shall give a good and sufficient bond for the construction thereof, according to the plans and specifications aforesaid, in such sum as said commission may deem proper.

SEC. 6. The cost and charges for making surveys for said wagon road, and the expenses and per diem of the commission provided for in section 2 of this act shall be included as part of the cost and value of constructing said wagon road.

SEC. 7. When completed, accepted and paid for, said wagon road shall become and be the property of Washington and Boise counties to the extent that said wagon road lies within the boundaries of each of said counties.

SEC. 8. That for the purpose of securing the payment of said loan, the Treasurer of this State is hereby authorized, empowered and directed to issue bonds of the State in the sum of five hundred dollars each, payable in twenty years from

the date of their issuance, to bear interest at the rate of not to exceed four per centum per annum, payable semi-annually on the first days of January and July in each year at a place to be selected by the Treasurer of this State, but such bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten years from the date of their issuance, and shall be numbered from one to six consecutively. The State Treasurer shall cause to be printed or lithographed suitable bonds, in proper form, with coupons attached. All such bonds shall be signed by the Secretary of State of the State of Idaho with his own proper name, affixing his own official character, and shall be authenticated by the great seal of the State of Idaho, and shall be signed by the Governor of the State in his own proper name, with his official character affixed, and then shall be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds showing the number and amount of each bond, and deliver the same to the State Treasurer and charge him on the official books of the Auditor's office with the full amount of such bonds.

SEC. 9. At the time of issuing said bonds the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State of Idaho. The coupons for the payment of interest shall be attached to such bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to six, each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all the bonds issued by him under this act, showing the date of issuance, and shall deliver said bonds, with coupons attached as aforesaid, to the purchaser or purchasers thereof upon receipt of the purchase money therefor, and the money received upon the sale of the bonds herein provided for shall be used in the construction of said wagon road and in the payment of other expenses authorized by this act, and shall be disbursed as by this act provided: *Provided, however,* That none of such bonds shall be sold for less than their face or par value. The expense of printing or lithographing and procuring suitable bonds, with coupons attached, shall be paid out of the funds arising from said sale as an expense incidental to the construction of said wagon road.

SEC. 10. For the purpose of creating a fund to pay the interest coupons and the principal of said bonds, in addition to the taxes now imposed by law, an additional ad valorem tax of one-quarter of a mill upon each one hundred dollars of the assessed valuation of all property in this State not exempt from taxation, is hereby levied and shall be collected as other taxes for State purposes. All moneys collected by the State Treasurer as the proceeds of the tax hereby levied shall be set apart by him and shall constitute a separate and distinct fund to be known as the Meadows-Payette Lakes Wagon Road Fund. The State Treasurer shall pay interest on said bonds when due, out of said fund, taking the coupons as vouchers therefor. After the expiration of ten years from the issuance of any of said bonds, whenever there shall be six hundred and thirty dollars in the said fund over and above the amount required for the payment of interest coupons due or to become due within the ensuing six months, the State Treasurer shall use such surplus money in the redemption of said bonds, in the order of their numbers and date of issuance, of which the State Treasurer shall give notice by publication once a week for four consecutive weeks in some newspaper published at the State capital, and from the date of the last publication of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within sixty days from the date of the last publication of such notice the Treasurer shall apply the money for the redemption of the bonds next in number and according to the date of issuance.

SEC. 11. If at any time there shall not be sufficient moneys in said fund to pay the interest coupons or the principal of such bonds when due, the Treasurer shall pay the same out of the general funds of the State and shall replace the amount so paid out of said special fund whenever moneys intended for the same shall be received.

SEC. 12. If at any time prior to the time when the bonds herein provided for shall become subject to redemption, the amount of money in said sinking fund shall exceed the amount required for the payment of interest coupons of such bonds, due or to become due within the next ensuing twelve months, the State Treasurer shall use such surplus in payment of any warrants drawn upon him by the State Auditor and presented for payment and not paid for want of money in the fund upon which they are drawn, and shall register and endorse such warrants in the manner provided by section 238 of the Revised

Statutes of Idaho, 1887, and place the same, so endorsed, to the credit of the sinking fund aforesaid, and such warrants shall bear interest and be payable in due course as other outstanding warrants, and when paid the principal and interest thereof shall belong to the sinking fund aforesaid, and shall be in like manner reinvested until said bonds become redeemable as aforesaid.

SEC. 13. For the payment of the bonds by this act authorized and the interest accruing thereon, according to the terms thereof, the faith of the State of Idaho is solemnly pledged, and for the payment of the interest on the bonds hereby authorized, in lawful money of the United States, as said interest shall accrue, the State Treasurer shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest on other State bonds heretofore issued under acts passed by the Legislature of the State of Idaho.

SEC. 14. The State Treasurer shall commence negotiations for the issuance and sale of all the bonds herein provided for immediately upon the passage and approval of this act.

SEC. 15. That no part of this appropriation shall be expended or disbursed for the construction of said wagon road until after the sum of three thousand dollars shall have been raised for this purpose by Boise county, or Washington county, or by private subscription, or otherwise than by the State; that when said sum is made available the Governor of the State shall be apprised thereof and he shall then certify to the State Treasurer that such sum has been raised.

Approved March 12, 1907.

HOUSE BILL NO. 202.

AN ACT

EMPOWERING THE STATE BOARD OF EDUCATION TO AUTHORIZE COUNTY SUPERINTENDENTS TO GRANT TEACHERS' CERTIFICATES TO GRADUATES OF STATE NORMAL SCHOOLS, AND TO GRADUATES OF COLLEGES AND UNIVERSITIES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The State Board of Education shall have

power to authorize the county superintendents to issue teachers' certificates to graduates of State normal schools, and to graduates of any chartered college or university having the right to grant degrees, *Provided*, That applicants for certificates under the provisions of this act shall have been successfully engaged in teaching not less than twenty-seven months, and shall present to the State Board of Education a certificate of graduation from a State normal school, or a literary degree from a chartered college or university.

SEC. 2. The State Board of Education, or the county superintendents, may revoke any certificate issued under the provisions of this act whenever the holder of such certificate shall prove himself incapable of teaching successfully in any public school in the State of Idaho.

Approved March 12, 1907.

HOUSE BILL, NO. 81.

AN ACT

PROVIDING FOR THE ISSUE, SALE AND REDEMPTION OF STATE BONDS FOR THE PURPOSE OF ERECTING A DORMITORY FOR WOMEN AT LEWISTON STATE NORMAL SCHOOL, FINISHING THE INTERIOR OF SAME IN WHOLE OR IN PART, INSTALLING AN ADEQUATE HEATING AND VENTILATING PLANT AND PLUMBING SYSTEM IN THE SAME, FURNISHING AND EQUIPPING THE STRUCTURE, AND, FURTHER, FOR THE PURPOSE OF MAKING IMPROVEMENTS ON A SITE FOR THE DORMITORY FOR WOMEN AND THE NORMAL SCHOOL GROUNDS ADJACENT TO THE SAME, SAID ACT PRESCRIBING HOW THE PROCEEDS OF THE SALE OF SUCH BONDS SHALL BE EXPENDED.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of erecting a dormitory for women at Lewiston State Normal School; finishing the interior of same in whole or in part, installing an adequate heating and ventilating plant and plumbing system in the same furnishing and equipping the structure, and, further, for the purpose of making improvements upon a site for the dormitory for women at Lewiston State Normal School and the Normal School grounds adjacent to the same, located at Lewiston, in Nez Perce county, State of Idaho, a loan of forty thousand dol-

lars (\$40,000) is hereby authorized to be negotiated by a board consisting of the Governor, the Treasurer, the Secretary of State and the Attorney General of the State of Idaho, on the faith and credit of the State of Idaho; *Provided*, That the mayor and city council of the said city of Lewiston shall, prior to the first day of May, 1907, donate to the State of Idaho, as a site for the use of the said Lewiston State Normal School as referred to above, a tract of land known and described as follows, to-wit:

Commencing at a point on the south side of Seventh avenue seven hundred thirty-six (736) feet west of the northeast corner of block eight (8), Park addition, said point of beginning being the northwest corner of that part of lot fifteen (15) of acres now owned and occupied by the Lewiston State Normal School; thence west on the south line of Seventh avenue one hundred twenty-nine (129) feet; thence south nine hundred thirty-four (934) feet to the south line of lot fifteen (15) of acres; thence east one hundred twenty-nine (129) feet to the southwest corner of the Lewiston State Normal School grounds; thence north nine hundred thirty-four (934) feet to the place of beginning, and situated on the west side of the present State Normal School grounds, such tract having been known heretofore as a part of the City park of Lewiston; and, further, that the mayor and city council of said city of Lewiston shall convey the same by a good and perfect title to the State of Idaho for the uses and benefits of said Lewiston State Normal School only. The mayor and city council of said city of Lewiston are hereby authorized and empowered to convey said site to the said State of Idaho as aforesaid.

SEC. 2. The Treasurer of the State of Idaho is hereby authorized, empowered and directed, immediately upon the passage of this act, to issue eighty (80) bonds of the State of Idaho to be known as Idaho Lewiston State Normal Bonds, in the sum of five hundred dollars (\$500) each, payable in twenty (20) years from the date of their issuance, to bear interest at the rate of four per cent per annum, payable semi-annually on the first days of April and October of each year at a bank in the City of New York to be selected by the Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten (10) years from the date of their issuance, and said bonds shall be plainly numbered from one to eighty, consecutively.

SEC. 3. The State Treasurer is hereby further authorized, empowered and directed to cause to be printed or lithographed, suitable bonds in printed form, with coupons attached, for the purpose of this act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated by the great seal of the State, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer, and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of issuing said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to forty inclusive, each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him, showing the date of issuance, and shall deliver the said bonds with the coupons attached as aforesaid, to the purchaser or purchasers, upon the receipt of the purchase money therefor, and the money received from the sale of said bonds shall be by said Treasurer placed in a certain fund to be known as the Lewiston State Normal School Building and Improvement Fund of 1907, for the purpose of erecting a Dormitory for Women at Lewiston State Normal School, finishing the interior of same in whole or in part, installing an adequate heating and ventilating plant and plumbing system in the same, furnishing and equipping the structure, and, further, for the purpose of making improvements on a site for the dormitory for women and the Normal School grounds adjacent to the same, located at Lewiston, in Nez Perce county, State of Idaho. None of said bonds, however, shall be sold for less than their face or par value. The expense of printing or lithographing and procuring said bonds with coupons attached, shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of creating a fund to pay interest and principal of said bonds an annual ad valorem tax of

five mills on each one hundred dollars (\$100) of the assessed valuation of all property in the State not exempt from taxation, is hereby levied, and shall be collected as other taxes for State purposes.

SEC. 6. If at any time there shall not be sufficient money in the said "Lewiston State Normal School Building and Improvement Fund of 1907," to pay interest coupons on the principal of such bonds when due, the State Treasurer shall pay the same out of the general fund of the State, and shall replace the amount so paid out of the Lewiston State Normal School Building and Improvement Fund of 1907, whenever money for said fund shall be received.

SEC. 7. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of money so received, and the State Auditor shall thereupon credit the Treasurer's account with the amount of bonds sold.

SEC. 8. The moneys in said Lewiston State Normal School Building and Improvement Fund received from the sale of bonds issued under this act, as hereinbefore stated and provided, shall be paid out for the purpose of erecting a dormitory for women at Lewiston State Normal School, finishing the interior of the same in whole or in part, installing an adequate heating and ventilating plant and plumbing system in the same, furnishing and equipping the structure, and, further, for the purpose of making improvements on a site for the dormitory for women at the Normal School grounds adjacent to the same, located at Lewiston, in Nez Perce county, State of Idaho.

SEC. 9. The moneys in the said Lewiston State Normal School Building and Improvement Fund as hereinbefore provided in this act shall be drawn therefrom only upon warrants issued by the State Auditor upon certificates of the secretary of the board of trustees of said Lewiston State Normal School countersigned by the president thereof, as provided in section five (5) of "An act to establish a State Normal School at Lewiston," etc., approved February 7, 1899, and approved by the State Board of Examiners.

SEC. 10. Whereas, an emergency exists therefor, this act shall be in force and effect from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 239.

AN ACT

LEVYING AND REQUIRING THE COLLECTION OF A SPECIAL AD VALOREM TAX FOR THE PAYMENT OF THE INTEREST UPON CERTAIN BONDS ISSUED BY THE STATE OF IDAHO AS THE SAME BECOMES DUE AND ALSO FOR THE PAYMENT OF THE PRINCIPAL OF SUCH BONDS AT MATURITY, OR AT ANY TIME AFTER THE SAME BECOMES PAYABLE, CREATING A GENERAL INTEREST AND SINKING FUND AND REPEALING THOSE PROVISIONS OF CERTAIN ACTS BY WHICH SPECIAL TAXES ARE LEVIED, OR CERTAIN MONEYS SET ASIDE, FOR THE PAYMENT OF THE INTEREST UPON AND THE PRINCIPAL OF SUNDRY BONDS OF THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing moneys for the payment of the interest upon those certain bonds of the State of Idaho, hereinafter mentioned, as the same becomes due, and also for the payment of the principal of such bonds, at maturity or at any time after such principal becomes payable under the provisions of the respective acts authorizing their issuance and sale, an ad valorem tax of one-half ($\frac{1}{2}$) mill on each one dollar (\$1.00) of the assessed valuation of all property in the State of Idaho, not exempt from taxation, is hereby levied for each and every year until all of such bonds and the interest thereon are fully paid or redeemed, that the same shall be collected as taxes for the payment of the general current expenses of the State are collected and that in like manner it shall be paid into the State treasury.

SEC. 2. All moneys collected on account of the tax hereinbefore levied shall be credited to, placed in and become a part of the general interest and sinking fund created under the provisions of an act entitled "An act levying and requiring the collection of a special ad valorem tax for the payment of the interest upon certain bonds issued by the State of Idaho as the same becomes due and also for the payment of the principal of such bonds at maturity, or at any time after the same becomes payable, creating a general interest and sinking fund and repealing those provisions of certain acts by which special taxes are levied, or certain moneys set aside, for the payment of the interest upon and the principal of sundry bonds of the State of Idaho." Approved March 8th, 1905.

SEC. 3. All moneys which shall accrue or be credited to the said general interest and sinking fund, by reason of the tax in this act provided for, are hereby appropriated out of the said fund for the purpose of paying the interest upon those bonds of the State of Idaho hereinafter mentioned as the same becomes due and the principal thereof at maturity, or at any time after the State shall have the right to exercise its option to call in and redeem any of such bonds.

SEC. 4. That the following described bonds, when due or when optional, and the interest thereon, when due, and payable, shall be paid from the general interest and sinking fund, viz:

University of Idaho rebuilding bonds of 1907, authorized by that certain act of the Legislature of the State of Idaho, March 7, 1907, entitled "Providing for the issuance and sale of State bonds in the sum of fifty thousand dollars, and appropriating the proceeds thereof to supplying a portion of the funds necessary for erecting and rebuilding the main building of the University of Idaho and authorizing the levy of an annual ad valorem tax for providing a sinking fund for the payment of such bonds at maturity and the interest thereon, as the same become due."

Idaho-Lewiston State Normal bonds, authorized by that certain act of the Legislature of the State of Idaho, approved March 7, 1907, entitled "Providing for the issue, sale and redemption of State bonds for the purpose of erecting a dormitory for women at Lewiston State Normal School, installing an adequate heating and ventilating plant and plumbing system in the same, furnishing and equipping the structure, and, further, for the purpose of making improvements on a site for the dormitory for women and the Normal School grounds adjacent to the same, said act prescribing how the proceeds of the sale of such bonds shall be expended."

The Academy of Idaho Improvement Bonds of 1907, authorized by that certain act of the Legislature of the State of Idaho, approved, March 7, 1907, entitled, "Providing for the issuance of and sale of State bonds in the sum of twenty-one thousand dollars and appropriating the proceeds thereof to the Academy of Idaho for constructing additional buildings and increasing the equipment of said Academy, and providing a sinking fund for the payment of said bonds at maturity and the interest thereon as the same becomes due."

Northern Idaho Insane Asylum Building and Improvement Bonds, authorized by that certain act of the Legislature of the State of Idaho, approved, March 7, 1907, entitled "Providing for the issuing of State bonds to the amount of forty-five thousand dollars for the additional buildings and improvements of the Northern Idaho Insane Asylum, prescribing how the proceeds of the sale of said bonds shall be expended, and providing a sinking fund for the payment of said bonds."

The Albion State Normal School Bonds of 1907, authorized by that certain act of the Legislature of the State of Idaho, approved, March 7, 1907, entitled "Providing for the issuance and sale of State bonds in the sum of twenty thousand dollars for the purpose of completing the girls' dormitory of the Albion State Normal School and for erecting a building to be used as a model school building and gymnasium for said Normal school, providing how the proceeds of the sale of said bonds shall be expended, and providing a sinking fund for the payment of such bonds at maturity and the interest thereon as the same shall become due, and declaring an emergency."

Idaho Industrial Training School Improvement Bonds, authorized by that certain act of the Legislature of the State of Idaho, approved, March 7, 1907, entitled "An act providing for the issuance of State bonds to provide money for the erection of a girls' cottage, boys' cottage, east wing for Administration building and procuring a water supply at the Idaho Industrial Training School; providing how the proceeds of said bonds shall be expended; levying a tax to meet the principal and interest of said fund and providing for the creation of a sinking fund."

Idaho Soldiers' Home Improvement Bonds, 1907, authorized by that certain act of the Legislature of the State of Idaho, approved March 7, 1907, entitled "An act making provision for moneys to be used in the improvement of the Idaho Soldiers' Home by authorizing the issuance and sale of State bonds and levying a special tax for the payment of such bonds and the interest thereon."

Elk City-Dixie Wagon Road Bonds, 1907, authorized by that certain act of the Legislature of the State of Idaho, approved March 7, 1907, entitled "An act providing for the issuance and sale of State bonds in the sum of ten thousand dollars, and appropriating the proceeds thereof for the repair and

improvement of the Elk City-Dixie Wagon Road and the Elk City Ora Grande Wagon Road, and for the construction of bridges, and the repair of others on and along said roads, and for the purchase of the Kooskia and Tahoe toll road, and for the construction of a trail between a point at or near the mouth of Kelly creek, at the foot of Kelly Mountain, and the mouth of Bear creek, all in Idaho county, authorizing the levy of an ad valorem tax to provide a sinking fund for the payment of such bonds at maturity and the accruing interest thereon, providing for a commission who shall have general control of the repair, improvement, purchase and construction of said road, bridges and trail and of the disbursement of this appropriation and prescribing their powers and duties as such, and providing when and how this appropriation shall be expended or disbursed, and providing, further, that if the Legislature shall hereafter vest the board of county commissioners of Idaho county with authority to manage and control the distribution of this appropriation, then said board of county commissioners shall exercise such authority in the place and stead of the board by this act created."

SEC. 5. That the following acts or parts of acts of the Legislature of the State of Idaho are hereby repealed; viz:

Section five (5) of an act, approved March 7, 1907, entitled "An act providing for the issuance and sale of State bonds in the sum of fifty thousand dollars and appropriating the proceeds thereof to supplying a portion of the funds necessary for erecting and rebuilding the main building of the University of Idaho and authorizing the levy of an annual ad valorem tax for providing a sinking fund for the payment of such bonds at maturity and the interest thereon, as the same become due."

Section five (5) of an act, approved March 7, 1907, entitled "An act providing for the issue, sale and redemption of State bonds for the purpose* of erecting a dormitory for women at Lewiston State Normal School, installing an adequate heating and ventilating plant and plumbing system in the same, furnishing and equipping the structure, and, further, for the purpose of making improvements on a site for the dormitory for women and the Normal School grounds adjacent to the same, said act prescribing how the proceeds of the sale of such bonds shall be expended."

Section five (5) of an act approved March 7, 1907, entitled "An act providing for the issuance and sale of State

bonds in the sum of twenty-one thousand dollars and appropriating the proceeds thereof to the Academy of Idaho for constructing additional buildings and increasing the equipment of said Academy, and providing a sinking fund for the payment of such bonds at maturity and the interest thereon as the same becomes due."

Section five (5) of an act approved March 7, 1907, entitled "An act providing for the issuing of State bonds to the amount of forty-five thousand dollars for the additional buildings and improvements of the Northern Idaho Insane Asylum prescribing how the proceeds of said bonds shall be expended, and providing a sinking fund for the payment of said bonds."

Section five (5) of an act approved March 7, 1907, entitled "An act providing for the issuance and sale of State bonds in the sum of twenty-thousand dollars for the purpose of completing the girls' dormitory of the Albion State Normal School and for erecting a building to be used as a model school building and gymnasium for said Normal School, providing how the proceeds of the sale of said bonds shall be expended, and providing a sinking fund for the payment of such bonds at maturity and the interest thereon as the same shall become due, and declaring an emergency."

Section four (4) of an act approved March 7, 1907, entitled "An act providing for the issuance of State bonds to provide money for the erection of a girls' cottage, boys' cottage, east wing for administration building and procuring a water supply at the Idaho Industrial Training School; providing how the proceeds of said bonds shall be expended; levying a tax to meet the principal and interest of said fund and providing for the creation of a sinking fund."

Section ten (10) of an act approved March 7, 1907, entitled "An act making provision for moneys to be used in the improvement of the Idaho Soldiers' Home by authorizing the issuance and sale of State bonds and levying a special tax for the payment of such bonds and the interest thereon.";

Section ten (10) of an act approved March —, 1907, entitled "An act providing for the issuance and sale of State bonds in the sum of ten thousand dollars, and appropriating the proceeds thereof for the repair and improvement of the Elk City-Dixie wagon road and the Elk City-Ora Grande wagon road, and for the construction of bridges, and the repair of others, on and along said roads, and for the purchase of the Kooskia and Tahoe toll road, and for the construction of a

trail, between a point at or near the mouth of Kelly creek, at the foot of Kelly Mountain, and the mouth of Bear creek, all in Idaho county, authorizing the levy of an ad valorem tax to provide a sinking fund for the payment of such bonds at maturity and the accruing interest thereon, providing for a commission who shall have general control of the repair, improvement, purchase and construction of said roads, bridges and trail and of the disbursement of this appropriation, and prescribing the duties and powers as such, and providing when and how this appropriation shall be expended or disbursed, and providing, further, that if the Legislature shall hereafter vest the board of county commissioners of Idaho county with authority to manage and control the distribution of this appropriation, then, said board of county commissioners shall exercise such authority in the place and stead of the board by this act created."

SEC. 6. An emergency existing therefor, this act shall be in force and effect from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 104.

AN ACT

CREATING THE HISTORICAL SOCIETY OF THE STATE OF IDAHO; PROVIDING FOR THE ACQUISITION OF PROPERTY BY IT AND THE CARE AND EXHIBITION THEREOF; CREATING A BOARD OF TRUSTEES AND LIBRARIAN FOR THE MANAGEMENT THEREOF, AND DEFINING THE DUTIES AND COMPENSATION OF SUCH OFFICERS; AND MAKING AN APPROPRIATION.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the Historical Society of Idaho Pioneers, a corporation organized and existing under and by virtue of the laws of the State of Idaho, may become the Historical Society of the State of Idaho, upon the conditions hereinafter specified in this act.

SEC. 2. It shall be the duty of said society:

1. To collect books, maps, charts, pictures, and other papers and materials illustrative of the history of this State in particular and generally of the Northwest.

2. To procure from pioneers narratives of their exploits, perils and adventures.

3. To procure facts and statements relative to the history, progress, and decay of the Indian tribes within the State.

4. To collect and preserve fossils, specimens of ores and mineral object curiosities connected with the history of the State and all such books, maps, writings, charts, or other material as will tend to facilitate historical, scientific and antiquarian research.

5. To bind, catalogue, and carefully preserve all unbound books, manuscripts, pamphlets, and especially newspaper files containing legal notices, now in its possession or which it may hereinafter receive.

6. To biennially prepare for publication a report of its collections and such other matters relating to the transactions of the society as may be useful to the public.

7. To keep its rooms open at reasonable hours on business days for the reception of the citizens of this State and others who may wish to visit the same.

SEC. 3. As a condition precedent to securing the benefits of this act, it shall be necessary for said Historical Society of Idaho Pioneers by and through its duly elected, qualified and acting board of directors, to signify its acceptance of the benefits of this act, by a resolution accepting the terms herein contained, and in addition thereto, donating to the State of Idaho all its books, papers, relics and other property then owned by it.

SEC. 4. From and after the adoption of said resolution of acceptance and donation provided for in section 3 of this act, and its presentation, together with the property of the Society to the Governor, as hereinafter provided, said Society shall be the trustee of the State of Idaho.

SEC. 5. That in the event the said corporation elects by resolution to accept the terms of this act, it shall make such election known by presenting a duly authenticated copy of said resolution to the Governor of the State of Idaho, accompanying such resolution by a delivery of all the books, papers, relics, and other property then owned by said corporation.

SEC. 6. That within ten days after the presentation of the resolution and the delivery of property mentioned in section 5 of this act, it shall be the duty of the Governor to appoint a board of three trustees, who shall have exclusive control

of the property acquired from said corporation, managing and conserving the same for the use and benefit of the State of Idaho, for the purposes in this act hereinbefore recited and who shall have authority under this act to employ the services of a librarian.

SEC. 7. It shall be the duty of the librarian, by and under the direction of the board of trustees to do, and perform, or to procure to be done and performed, all the acts specified in section 2 of this act.

SEC. 8. It shall be the duty of the commissioners to faithfully expend and apply all money received by the State of Idaho, to the uses and purposes directed by law, and shall hold all its present and future collections and property for the State, and shall not sell, mortgage, transfer or dispose of in any manner, or remove from the Capitol any article thereof, or any part of the same, without authority of law or the consent of the Legislature: *Provided*, That this shall not be construed to prevent the sale or exchange of any duplicates the Society may have or obtain.

SEC. 9. For such services the librarian shall be paid a salary of \$1,000.00 per annum and shall receive actual and necessary expenses incurred while performing the duties prescribed in this act, provided the aggregate sum of such expenses shall not exceed the sum of five hundred dollars in two years.

SEC. 10. For their services as trustees, the members of the board of trustees shall receive their actual and necessary expenses incurred in the discharge of their duties, including traveling and maintenance expenses, while attending or going to and from meetings of the board: *Provided*, That the aggregate sum of said expenses shall not exceed the sum of \$225.00 per annum for said board.

SEC. 11. That the said board of trustees shall adopt such rules and regulations as may be necessary to discharge the duties of their said trust.

SEC. 12. To carry out the provisions of this act, there is hereby appropriated the sum of three thousand five hundred (\$3,500.00) dollars (or so much thereof as may be necessary) out of the money in the State Treasury not otherwise appropriated.

Approved March 12, 1907.

HOUSE BILL NO. 236.

AN ACT

TO PROVIDE FOR THE PAYMENT OF CLAIMS AGAINST THE STATE FOR SUPPLIES FURNISHED AND FOR SERVICES RENDERED DURING THE YEARS 1905 AND 1906 IN THE SEVERAL DEPARTMENTS OF THE STATE GOVERNMENT FOR WHICH INSUFFICIENT APPROPRIATIONS WERE MADE IN THE GENERAL APPROPRIATION BILL, APPROVED MARCH 7, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the sum of seventy-two thousand four hundred thirty-seven dollars and seventy-eight cents (\$72,437.78) is hereby appropriated for the payment of claims against the State out of any moneys in the State Treasury not otherwise appropriated, for supplies furnished and for services rendered during the years 1905 and 1906, together with interest, in the several departments of the State government for which insufficient appropriations were made in the general appropriation bill, approved March 7, 1905, which claims have been approved by the State Board of Examiners and certified to the Legislature for payment, said claims being named, or numbered and named, and of the amounts following, to-wit:

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906, certified to the Legislature for settlement.

Land Department.

No.	Claimant.	Amount.
8107	Harry Dietrich	\$ 30 00
8594	Harry Dietrich	30 00
8613	Lemhi Herald	3 25
8614	George A. Day	161 60
8615	City Meat Market	7 15
8616	Teller Publishing Co.....	19 00
8617	Adam Aulbach	5 00
8618	The Weiser World	5 00
8619	Long Valley Advocate	4 30
8620	Charles Power	4 60
8621	Charles A. Fisher	104 35
8622	Thomas Hopkins	29 60
8623	M. C. Normoyle	18 50

8624	T. B. Reed & Co.....	6 65
8625	John K. Ashley	79 00
8626	Current Journal Publishing Co.....	38 25
8627	Nez Perce Herald	3 00
8628	The Standard	4 60
8629	The Standard	21 50
8630	Thomas Nelson	5 00
8631	The Current Journal Publishing Company	4 00
8632	Troy Weekly News	18 25
8633	Charles J. Munson	252 66
8634	Sandpoint Cedar Company	23 50
8867	E. L. Marvin	77 55
8868	E. L. Marvin	166 67
8869	Montpelier Examiner	4 00
8870	Owyhee Avalanche	5 25
8871	Rocky Mountain Bell Telephone Company	2 70
8872	Nez Perce Herald	12 50
8873	D. A. Utter	140 70
8874	The Ivy Press	60 00
8875	J. E. Meek	46 35
8876	Tribune Printing & Publishing Company..	5 50
8877	Western Union Telegraph Company.....	1 99
8878	George A. Day	63 25
8879	H. L. Herzinger.....	21 75
8880	Oakley Eagle	4 40
8881	The Critic Company, Ltd.....	7 50
9162	J. F. Allen	80 00
9163	The Ivy Press	18 00
9164	C. S. McConnel	166 66
9165	The Idaho Unionist	2 00
9166	Mellie Gove	70 00
9167	Mabel McConnel	70 00
9168	Statesman Printing Company	13 50
9169	Boise Book & Music Company	3 90
9170	Boise Book & Music Company	5 50
9171	Ed. Ostner	70 00
9172	E. L. Marvin	166 66
9173	Charles J. Munson	227 46
9174	Charles A. Fisher	245 25
9175	Joseph E. Meek	71 55
9176	South Idaho Mail.....	3 80
9177	Southern Idaho Mail	25 80
9178	Ern G. Eagleson	184 50

9179	Roy Headley	165	30
9180	Idaho World	6	25
9181	Statesman Printing Company	19	25
9570	George A. Day	32	90
9571	The Ivy Press	33	00
9572	Charles J. Munson	30	95
9573	Venable & Kirk	6	25
9574	Culp Brothers	18	50
9575	L. A. Cool	4	00
9576	John Lamb	18	00
9577	Western Union Telegraph Company.....	3	58
9578	Millie E. Longfellow.....	16	50
9579	Pend d'Oreille Review	35	80
9580	E. L. Marvin	68	27
9581	Shaw & Borden Company	108	00
9582	Lewiston Printing Company	10	85
9583	J. F. Allen	25	00
9584	Western Union Telegraph Company	4	31
9585	Rocky Mountain Bell Telephone Company		75
9586	Nampa Leader-Herald	15	00
9801	Boise Book & Music Company.....	30	35
9802	Ed. Ostner	70	00
9803	C. S. McConnel	166	67
9804	C. S. McConnel	27	00
9805	Mellie Gove	70	00
9806	Mabel McConnel	70	00
9807	E. L. Marvin	166	67
9808	Allen-Wright Furniture Company	9	00
9809	Whalen & Hoge	3	50
9810	Albert J. Bracket	12	50
9811	The Standard	80	00
9812	Harry Dietrich	20	00
10483	H. L. Herzinger	20	10
10484	Charles J. Munson	276	36
10485	Moscow Weekly Mirror	6	50
10486	Moscow Weekly Mirror	30	50
10487	Western Union Telegraph Company.....	8	42
10488	William Houtz	17	31
10489	The Journal	44	50
10490	O. H. Barber	4	00
10491	The Clipper Printing Company	5	10
10492	Charles A. Fisher	71	11
10493	Rocky Mountain Bell Telephone Company	6	45

10494	Statesman Printing Company	58 50
10495	Troy Weekly News	16 60
10496	George A. Day	154 35
10497	Twin Falls Times	33 60
10518	The Weiser World	12 00
10519	Ed C. Ostner	70 00
10520	Charles A. Fisher	153 75
10521	Troy Weekly News	30 80
10522	Mellie Gove	70 00
10523	Boise Book & Music Company	9 50
10524	Mabel McConnel	70 00
10525	Boise Book & Music Company	8 65
10526	Joseph McComb	5 00
10527	C. S. McConnel	166 66
10528	The Ivy Press	18 00
10529	William Schuldt	7 00
10530	Lewiston Tribune	98 00
10531	E. L. Marvin	127 81
10532	C. M. Gilkey	41 25
10533	E. L. Marvin	60 50
10534	George A. Day	172 90
10535	H. L. Herzinger	8 00
10536	Pend d'Oreille Review	12 00
10537	The Ivy Press	18 00
10538	The Ivy Press	21 00
10539	Thomas Nelson	3 90
10540	Charles J. Munson	262 86
10541	Twin Falls News Publishing Company....	70 70
10542	W. A. Davidson	43 95
10878	C. S. McConnel	4 95
10879	Mabel McConnel	70 00
10880	C. S. McConnel	166 66
10881	Critic Company, Ltd.....	10 00
10882	George A. Day	220 00
10884	William J. Therault.....	23 00
10885	Mellie Gove	70 00
10886	Roy Headley	304 00
11172	C. S. McConnel	72 20
11173	C. S. McConnel	2 25
11174	E. G. Farmer	198 75
11176	Genessee News	4 00
11177	Idaho Press Publishing Company	5 20
11180	W. A. Davidson	49 25

11181	Boise Book & Music Company	6 75
11182	Western Union Telegraph Company.....	50
11581	Charles J. Munson	227 31
11582	Roy Headley	228 80
11583	E. L. Marvin	63 35
11584	Charles W. Phelps	35 00
11585	Shaw & Borden Company	55 00
11586	The Ivy Press	8 75
11587	Nampa Record	3 25
11588	Western Union Telegraph Company.....	59
11589	Mellie Gove	70 00
11590	Mabel McConnel	70 00
11591	M. I. Church	94 46
11839	George A. Day	227 55
11840	E. L. Marvin.....	62 00
11841	Henry Wessenberg	445 95
11842	Western Union Telegraph Company	1 95
11843	Boise Book & Music Company.....	6 90
11844	R. C. St. Clair.....	138 71
11845	J. T. House	45 00
11846	Arch Cunningham & Company	4 25
11847	The Leader-Herald	16 00
11848	Statesman Printing Company	27 00
11849	Moscow Printing & Publishing Company..	20 00
11850	Charles A. Fisher	160 85
11851	William Schuldt	82 13
11852	Statesman Printing Company	13 00
11853	J. W. Blake	63 00
11854	M. I. Church	80 00
11855	M. I. Church	210 52
11856	Charles J. Munson	233 86
11970	M. I. Church.....	166 66
11971	M. I. Church	14 05
11972	Mellie Gove	70 00
11973	E. L. Marvin	56 60
11974	Mabel McConnel	70 00
12084	Robert N. Bell	18 00
12271	The Weiser World	9 60
12272	R. Hodgins	26 32
12273	Boise Rubber Stamp Company	1 75
12274	The Standard News	5 00
12275	Mountain Home Maverick	57 25
12276	Rathdrum Tribune	16 00

12277	W. S. Whitehead	3 35
12278	Charles A. Fisher	194 40
12279	W. H. Kirkwood	171 91
12280	E. G. Farmer	141 20
12281	George A. Day	100 50
12282	Charles A. Fisher	235 65
12283	Roy Headley	302 80
12284	Millie E. Longfellow	6 80
12285	Statesman Printing Company	8 00
12465	Mabel McConnel	70 00
12466	George A. Day	192 25
12467	Mellie Gove	70 00
12468	The Weiser World	95 25
12469	Charles J. Munson	210 96
12470	M. I. Church	166 66
12727	William Ashley	10 00
12728	Weeter Lubmer Company	8 30
12729	T. E. Bramel	15 00
12730	Roy Headley	175 75
12731	Glass & Prudhomme Company	303 80
12732	Boise Book & Music Company	13 20
12733	Charles Spearman	27 20
12734	Orval Smith	9 00
12735	George Smith	5 75
12736	Robert C. St. Clair	80 20
12737	Charles A. Fisher	206 70
12738	J. H. Kirkwood	59 45
12739	Carlson-Lusk Hardware Company	3 75
12740	Charles J. Munson	217 98
12741	Pend d'Oreille Review	24 00
12742	E. L. Marvin	83 25
12743	Nampa Leader-Herald	15 50
12744	B. H. McGrew	5 00
12745	Western Union Telegraph Company	8 37
12746	Tribune Printing & Publishing Company ..	19 50
12747	Thomas Hopkins	64 00
12880	M. I. Church	166 66
12881	Mabel McConnel	70 00
12882	Mellie Gove	70 00
13356	George A. Day	162 95
13357	The Ivy Press	22 50
13362	L. L. Folsom	18 00
13364	W. R. Lake	120 00

13365	Journal Printing Company	24 00
13366	W. R. Lake	54 83
13367	Lon Bishop	129 00
13368	J. E. Meek	98 95
13369	Rocky Mountain Bell Telephone Company	1 75
13370	Boise Book & Music Company	4 60
13371	Statesman Printing Company	35 75
13372	Arch Cunningham & Company	1 55
13373	J. W. Waterhouse	1 00
13374	Troy News	2 75
13375	Standard News	28 05
13376	Robert C. St. Clair	151 13
13377	Boise Electric Supply Company	90
13378	J. I. Overman	18 00
13379	Independent Long Distance Tel. Co.....	25
13380	E. L. Marvin	6 77
13381	Western Union Telegraph Co.....	2 29
13382	Reed Klapp	211 75
13554	H. W. Pettingill	125 00
13655	A. S. Bibbins	150 00
13656	Mabel McConnel	70 00
13657	Mellie Gove	70 00
13658	M. I. Church	6 35
13659	M. I. Church	166 66
13660	E. L. Marvin	166 66
13661	E. L. Marvin	46 95
13662	Daniel B. Roberts	23 30
13663	J. I. Overman	10 25
13664	L. H. McEvoy	114 00
13665	Charles J. Munson	227 32
13666	Bulletin Publishing Company	10 00
13667	Idaho Typewriter Exchange	1 00
13668	Southern Idaho Review	33 90
13358	Clarence L. Edmundson	150 00
13359	Ralph Horton	199 20
13360	T. D. Mathews	200 85
13361	Thomas Hopkins	32 00
13363	H. M. Smith	201 00
14258	H. W. Pettingill	125 00
14259	A. S. Bibbins	150 00
14260	M. I. Church	166 66
14261	Mellie Gove	70 00
14262	Mabel McConnel	70 00

14263	M. I. Church	18 35
14159	S. D. Taylor	162 95
14520	O. C. Rice	1,350 00
14521	E. N. Brown	3,706 50
14522	Boise Book & Music Company	6 10
14523	Journal Printing Company	24 00
14524	Arch Cunningham & Company	2 50
14527	John Lamb	7 50
14526	George A. Day	108 80
14527	Pierce City Miner	33 50
14528	Emery E. Wilson	97 50
14529	R. L. Price	192 90
14530	F. S. Smith	282 95
14531	E. J. Armstrong	200 25
14532	D. C. Kessler	219 25
14533	Fred Collins	218 45
14534	Charles E. Wethered	42 00
14535	Charles E. Wethered	177 75
14536	Roy Headley	118 25
14537	Roy Headley	283 20
14538	J. M. Ross	17 50
14539	Charles A. Fisher	340 66
14540	Charles A. Fisher	146 50
14541	George Davidson	104 50
14542	Charles J. Munson	221 71
14543	Emery E. Wilson	70 25
14544	H. Wessenberg	237 90
14546	Darwin A. Utter	221 00
14547	Pend d'Oreille Review	24 00
14548	Rocky Mountain Bell Telephone Company	1 80
14549	Millie E. Longfellow	6 75
14550	Times Printing & Publishing Company ...	7 80
14551	Boise Book & Music Company.....	13 60
14552	Western Union Telegraph Co.....	5 77
14553	Idaho Typewriter Exchange	1 00
14554	C. M. Gilkey	4 65
14555	W. H. Perin	78 65
14557	Trueman & Wunderlick	123 00
14558	Rathdrum Tribune	15 00
14559	E. L. Marvin	24 90
14560	A. H. Eagleson & Sons	120 00
14561	Pioneer Bindery & Printing Company....	3 50
14562	The Index	17 75

14563	Syms-York Co.	4	75
14564	Ben Morrow	60	65
14565	John R. Wallis	6	50
14580	George A. Day	140	85
14583	Statesman Printing Company	54	50
14584	Charles J. Munson	214	91
14585	Western Union Telegraph Co.....	1	50
14586	Rocky Mountain Bell Telephone Company	25	
14587	The Tribune Company, Ltd.....	40	00
14588	The Tribune Company, Ltd.....	45	00
14589	The Tribune Company, Ltd.....	35	00
14590	Twin Falls News Publishing Co.....	11	50
14591	Mabel McConnel	23	33
14592	E. L. Marvin	166	66
14593	E. L. Marvin	9	15
14828	Idaho World	20	00
14829	M. I. Church	147	75
14830	W. D. Smith	11	50
14831	Roy Headley	252	10
14832	T. B. West	338	50
15074	D. A. Utter	10	00
15075	Shoshone Journal	10	80
15076	Archie Melder	10	50
15077	A. S. Bibbins	115	00
15078	Shoshone Journal	7	25
15079	George Davidson	119	85
15080	Tribune Printing & Publishing Company	50	50
15081	Boise Book & Music Company.....	9	15
15082	Charles A. Fisher	206	30
15083	L. A. Cool	10	20
15084	Julia Greff	2	00
15085	Mellie Gove	70	00
15086	E. L. Marvin	111	10
15087	E. J. Frawley	115	00
15088	Woodriver News-Miner	10	00
15089	Arch Cunningham & Company	50	
15090	Charles J. Munson	227	26
15091	George A. Day.....	55	60
15092	Allen-Wright Furniture Company.....	22	25
15093	M. I. Church	166	66
15094	Statesman Printing Company.....	9	25
497	The Booth Furniture Company, Ltd....	71	50
498	Venable & Kirk	16	50

499	J. R. Lydon.....	1 50
500	Rupert Record	9 00
501	Rocky Mountain Bell Telephone Company	1 75
502	H. H. Wescott	48 74
503	H. W. Pettingill	125 00
504	Statesman Printing Company.....	32 50
505	Statesman Printing Company.....	142 90
506	Emery E. Wilson.....	56 40
507	T. W. McLaughlin.....	13 05
508	J. I. Overman	16 50
509	Ed Ostner.....	70 00
510	M. I. Church.....	52 55

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement:

Capitol Building.

No.	Claimant.	Amount.
8580	Electric Power Company.....	\$ 103 40
8582	American Laundry Co. (\$25.00) Pd. \$13.33	11 67
8583	American Laundry Co.....	25 00
8584	Boise Electric Supply Company.....	6 45
8585	Citizens' Coal Company.....	165 55
8586	Peter Sonna	192 00
8587	Carlson-Lusk Hardware Company.....	32 85
8589	The Falk Mercantile Company.....	1 00
8590	Kerr Hardware Company.....	11 95
8856	Rocky Mountain Bell Telephone Company	34 20
8857	W. S. Walker.....	10 00
8858	W. S. Walker	10 00
8859	W. S. Walker.....	20 00
8860	W. S. Walker	10 00
8861	E. D. Nichols	7 70
8862	John Atkinson	3 00
8863	Electric Power Company	2 50
8864	Electric Power Company	1 00
8865	Electric Power Company	3 50
8866	Boise Ice Company	17 20
9053	Allen-Wright Furniture Company.....	45 00
9147	James B. Taylor.....	4 00
9148	T. Daniels	75 00
9565	J. H. Kingsley	9 00

9566	Rocky Mountain Bell Telephone Company	33 50
9567	Electric Power Company	7 00
9568	G. H. Harvey	10 00
9569	J. M. Neil & Company	153 90
9149	Mickle Electric Company.....	60 00
9150	G. H. Harvey	30 00
9151	Electric Power Company.....	87 50
9152	Boise Electric Supply Co.....	9 60
9153	D. Howry	75 00
9154	James F. Hunt	75 00
9155	Seaman & Leonard	122 00
9156	Seaman & Leonard	7 25
9157	Seaman & Leonard	19 25
9158	Citizens' Coal Company	116 50
9159	Shaw & Borden Company.....	7 50
9160	W. C. Tatro	60 00
9161	American Laundry Company	25 00
9813	W. C. Tatro	60 00
9814	William Houtz	9 47
9815	Electric Power Company	58 00
9816	D. Howry	75 00
9817	James F. Hunt	75 00
9818	T. Daniels	75 00
9819	Independent Long Distance Tel. Co.....	63 00
9820	Citizens' Coal Company	19 30
9821	Allen-Wright Furniture Company	2 00
9822	Smith & Co.....	2 75
9823	Shaw & Borden Company	7 50
9824	Ed Hays	30 00
10023	Rocky Mountain Bell Telephone Company	33 50
10024	J. H. Kingsley	10 00
10025	G. H. Harvey	10 00
10026	G. H. Harvey	50 00
10027	American Laundry Company	25 00
10028	The Falk Mercantile Company	16 00
10029	Boise Ice Company	13 35
10030	Electric Power Company	7 00
10031	Idaho Transfer Company	5 25
10477	W. C. Tatro, Sr.	60 00
10478	James F. Hunt	75 00
10479	D. Howry	75 00
10480	Electric Power Company	42 60
10481	T. Daniels	75 00

10482	Allen-Wright Furniture Company	60 00
10543	G. H. Harvey	50 00
10544	Idaho Transfer Company	3 25
10545	American Laundry Company	25 00
10546	Rock Mountain Bell Telephone Company	33 50
10853	John P. Tate	100 00
10854	D. Howry	75 00
10855	Electric Power Company	56 70
10856	W. C. Tatro	60 00
10857	Electric Power Company	7 00
10858	James F. Hunt	75 00
10859	T. Daniels	75 00
10860	James H. Kingsley	10 00
10861	J. H. Kingsley	10 00
10862	The Acme Plumbing & Heating Company	13 25
10863	The Acme Plumbing & Heating Company	5 55
10864	Peter Sonna	144 00
10865	Kerr Hardware Company	1 55
11221	Rocky Mountain Bell Telephone Company	35 00
11222	Boise Electric Supply Company	5 70
11223	American Laundry Company	25 00
11224	G. H. Harvey	50 00
11225	Roberts & Hill	100 00
11574	T. Daniels	75 00
11575	Electric Power Company	55 00
11576	W. C. Tatro, Sr.	60 00
11577	James F. Hunt	75 00
11578	Citizens' Coal Company	223 40
11579	D. Howry	75 00
11580	Independent Long Distance Tel. Co.	63 00
11668	Boise Electric Supply Company	8 00
11669	Boise Ice Company	22 30
11670	Electric Power Company	7 00
11671	American Laundry Company	25 00
11672	Rocky Mountain Bell Telephone Company	34 50
11673	Loree & Son Hardware Company	21 50
11674	J. M. Neil & Company	47 85
11957	Electric Power Company	49 60
11958	The Acme Plumbing & Heating Company..	27 60
11959	White Line Transfer Company	3 20
11960	American Laundry Company	25 00
11961	Frank Lathrop	50
11962	The Falk Mercantile Company	2 75

11963	James F. Hunt	75 00
11964	W. C. Tatro, Sr.	60 00
11965	H. Seller & Company	2 50
11966	D. Howry	75 00
11967	George Pettingill	64 00
11968	G. H. Harvey	50 00
11969	Boise City, sprinkling	61 10
12286	T. Daniels	75 00
12287	J. H. Kingsley	20 00
12288	Rocky Mountain Bell Telephone Company	34 50
12289	G. H. Harvey	50 00
12454	T. Daniels	75 00
12455	James F. Hunt	75 00
12456	D. Howry	75 00
12457	W. C. Tatro	60 00
12459	Electric Power Company	45 40
12758	Loree & Son Hardware Company	2 15
12748	American Laundry Company	25 00
12749	J. H. Kingsley	10 00
12750	Rocky Mountain Bell Telephone Company	36 75
12751	G. H. Harvey	50 00
12752	Electric Power Company	7 00
12753	Electric Power Company	8 25
12754	Whiteline Transfer Company	2 00
12755	Kerr Hardware Company	3 00
12756	L. W. Thrailkill	38 20
12757	Ballou-Latimer Company	4 35
12883	W. C. Tatro, Sr.....	60 00
12884	James F. Hunt	75 00
12885	Independent Long Distance Tel. Co.....	63 00
12886	T. Daniels	75 00
12887	D. Howry	75 00
12888	Electric Power Company	52 70
12889	Frank Lathrop	1 00
12890	Boise Ditch Company	75 00
12891	J. H. Kingsley	10 00
12892	G. W. Langmaid	50
13383	Loree & Son Hardware Company	11 00
13384	Whiteline Transfer Company	2 00
13385	American Laundry Company	25 00
13386	Acme Plumbing & Heating Company	791 10
13387	The Falk Mercantile Company	1 00
13388	Kerr Hardware Company	1 20

13389	Loree & Son Hardware Company	2	10
13390	Acme Plumbing & Heating Company	51	15
13391	Citizens' Coal Company	55	45
13392	Boise Ice Company	42	45
13393	Boise Electric Supply Company	362	95
13394	Loree & Son Hardware Company	3	50
13395	Rocky Mountain Bell Telephone Company	36	00
13478	Charles Ostner	25	00
13523	Electric Power Company	7	00
13669	D. Howry	75	00
13670	T. Daniels	75	00
13671	Electric Fixture & Supply Company.....	1	75
13672	Citizens' Coal Company	126	50
13673	James F. Hunt	75	00
13674	Peter Sonna	240	00
13675	G. H. Harvey	50	00
13676	Rocky Mountain Bell Telephone Company	35	50
13677	Rocky Mountain Bell Telephone Company	5	50
13678	J. S. Babcock	1	25
13679	Electric Power Company	58	10
13680	Boise Electric Supply Company	6	55
13681	W. C. Tatro, Sr.....	60	00
13682	Whiteline Transfer Company	3	00
14113	D. Howry	75	00
14114	James F. Hunt	75	00
14115	T. Daniels	75	00
14116	W. C. Tatro	60	00
14117	Peasley Transfer Company	8	80
14118	Economy Rug Company	3	25
14119	Economy Rug Company	2	00
14121	Citizens' Coal Company.....	128	77
14122	Loree & Son Hardware Company	2	75
14123	Loree & Son Hardware Company	15	00
14124	The Falk Mercantile Company	19	35
14125	Acme Paint Company	3	50
14126	Electric Power Company	78	30
14127	Arch Cunningham & Company	14	50
14128	American Laundry Company	25	00
14190	Peasley Transfer Company	13	50
13980	Boise Electric Supply Company	265	86
13981	William Plant	20	00
13982	American Laundry Company	25	00
13983	Acme Plumbing & Heating Company.....	21	70

13984	Acme Plumbing & Heating Company	518 00
14502	Rocky Mountain Bell Telephone Company	2 00
14503	Idaho Hardware & Plumbing Company . . .	557 25
14504	Idaho Hardware & Plumbing Company . . .	188 00
14505	Allen-Wright Furniture Company	263 50
14506	Allen-Wright Furniture Company	145 20
14507	Rocky Mountain Bell Telephone Company	36 90
14508	Whiteline Transfer Company	2 00
14509	Whiteline Transfer Company	14 00
14510	Electric Fixture and Supply Company . . .	1 25
14511	G. W. Langmaid	1 00
14512	Boise Gas Light Company	55 75
14513	Acme Plumbing & Heating Company . . .	485 00
14514	Boise Gas Light Company	3 20
14515	William Houtz	1,446 33
14516	William Houtz	989 18
14517	Arch Cunningham & Company	3 50
14688	Allen-Wright Furniture Company	181 50
14862	Falk Mercantile Company	10 25
14863	Independent Long Distance Telephone Co.	69 00
14864	T. Daniels	75 00
14865	Ed Hays	27 50
14866	James F. Hunt	75 00
14867	Citizens' Coal Company	167 75
14868	Citizens' Coal Company	225 35
14869	Electric Power Company	107 00
14870	D. Howry	75 00
14871	W. C. Tatro, Sr.	60 00
15038	Rocky Mountain Bell Telephone Company	33 75
15039	Whiteline Transfer Company	7 00
15041	Ed Hays	17 50
15043	Frank Lathrop	4 00
15044	W. D. Stevens	34 75
15045	Loree & Son Hardware Company	35 50
15046	American Laundry Company	25 00
15047	Stewart & Company	24 00
15048	M. W. Treadgold	75 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

North Idaho Insane Asylum.

No.	Claimant.	Amount.
686	George Alteneder	\$ 57 00
687	R. F. Woelk	19 45
688	White Pine Trading Company	148 00
689	L. Stannus	88 24
690	Standard News	20 00
691	Orofino Tribune	56 00
692	Orofino Trading Company	327 44
693	Orofino Mercantile Company	7 45
694	Orofino Meat & Cold Storage Company.....	40 60
695	Orofino Drug Company	33 45
696	Myers & Topping Hardware Company.....	19 50
697	Lewiston Milling Company, Ltd.....	15 00
698	Keystone Produce Company	3 75
699	J. Jenkinson	31 35
700	Charles Hahn	12 40
701	John W. Givens	625 00
702	Fidelity State Bank	210 19
703	Ferguson Fruit Company	52 65
704	S. A. Dunlap	28 03
705	J. E. Cox	5 50
706	Chlopeck Fish Company	18 25
707	John G. Bullock	35 75
708	P. H. Blake	52 00
709	A. G. Bagley & Company	4 25
710	Employees, Nos. 710 to 723 inclusive	1,286 96

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

State Treasurer.

No.	Claimant.	Amount.
9619	C. S. Coffin	\$ 110 00
10476	C. S. Coffin	110 00
10547	Maude L. Stowe	2 50
10700	Arch Cunningham & Company	5 75
10896	Arch Cunningham & Company	3 90
10897	C. S. Coffin	110 00
11593	Statesman Printing Company	18 00
11594	C. S. Coffin	110 00

11664	Fred M. Coleman	3 00
11665	H. Seller & Company	2 70
11666	Capital News Publishing Company	19 45
11927	Charles S. Coffin	110 00
11928	Arch Cunningham & Company	21 60
11929	R. L. Polk & Company	4 00
11930	Western Union Telegraph Company	6 06
11931	H. Seller & Company	1 50
12452	C. S. Coffin	110 00
12453	Boise Book and Music Company	10 00
12893	Fred M. Coleman	11 00
12894	C. S. Coffin	110 00
13683	C. S. Coffin	110 00
13684	Fred M. Coleman	3 00
13685	Arch Cunningham & Company	22 05
14026	Fred M. Coleman	2 90
14027	C. S. Coffin	110 00
14028	Arch Cunningham & Company	29 40
14029	Idaho Typewriter Exchange	75
14030	Ballou-Latimer Company	1 25
14470	Western Union Telegraph Company	5 59
14472	C. S. Coffin	110 00
12458	Arch Cunningham & Company	30 95
13985	C. W. Lawrence	3 50
13986	Ballou-Latimer Company	2 75
15058	Rocky Mountain Bell Telephone Company	1 45
15059	Arch Cunningham & Company	21 50
15060	C. S. Coffin	25 67
15061	Syms-York Company	292 75
15062	Mickle Electric Company	1 50
15063	Arch Cunningham & Company	26 60
15064	Western Union Telegraph Company	1 09

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Industrial Training School.

No.	Claimant.	Amount.
11064	Mrs. F. A. Pyke (\$51.55), Pd. \$21 80..	29 75
11830	Mrs. F. A. Pyke	52 05
13339	J. T. Humphries	100 00

13340	Bertha E. Humphries	45 00
13341	Bradley Fletcher	50 00
13342	Marie Fletcher	35 00
13343	A. H. Bates	60 00
13344	B. E. Smith	35 00
13345	Frank Reardon	45 00
13346	Ida M. Reardon	30 00
13347	D. Peckenpaugh	19 83
13348	Anna E. Woods	30 00
13349	Charles R. Reeves	10 00
13350	G. G. Allen	15 17
13351	Metropolitan Market	32 80
13352	J. D. Louis	10 00
13353	Consolidated Wagon & Machine Company	16 69
13354	Curran, The Druggist	15 15
13479	Z. F. Yearian	200 00
13480	Metropolitan Market	25 45
13481	Consolidated Wagon & Machine Company.	7 40
13482	J. H. McPherson	6 00
13483	St. Anthony Roller Mills	4 65
13484	The Blackfoot Nurseries	19 38
13485	Charles Watson	15 00
13486	O. O. Skalet	203 96
13487	Jamison Hardware Company	3 85
13488	Curran, The Druggist	6 70
13489	J. T. Humphries	100 00
13490	Bertha E. Humphries	45 00
13491	Bradley Fletcher	50 00
13492	Marie Fletcher	35 00
13493	A. H. Bates	60 00
13493	B. E. Smith	35 00
13495	Frank Reardon	45 00
13496	Ida M. Reardon	30 00
13497	R. E. Humphries	14 68
13498	D. Peckenpaugh	20 32
14161	Idaho Register	12 00
14162	J. M. Bennett	10 60
14163	Mrs. Jessie Wooden	5 60
14164	H. H. McAdams	62 70
14165	The Tribune Company	35 00
14166	Mrs. F. A. Pyke	63 60
14301	J. T. Humphries	100 00
14302	Bertha E. Humphries	45 00

14303	Bradley Fletcher	50 00
14304	Marie Fletcher	35 00
14305	A. H. Bates	60 00
14306	B. E. Smith	35 00
14307	Frank Reardon	45 00
14308	Ida M. Reardon	30 00
14309	Anna E. Woods	30 00
14310	G. G. Allen	35 00
14311	Charles R. Reeves	10 00
14313	J. B. Riplinger	122 50
14312	Miller Brothers	107 07
14314	O. F. Smith	25 84
14315	St. Anthony Light & Power Company....	40 55
14316	St. Anthony Light & Power Company....	28 83
14317	James Smith	14 40
14318	O. O. Skalet	101 93
14319	Consolidated Wagon & Machine Company..	19 74
14320	Miller M. Harshbarger	25 00
14321	O. O. Skalet	42 47
14322	Metropolitan Market	49 03
14923	Statesman Printing Company	7 20
395	Mrs. Jessie Woodin	41 85
396	J. T. Humphries	100 00
397	Bertha E. Humphries	45 00
398	Bradley Fletcher	50 00
399	Marie Fletcher	35 00
400	A. H. Bates	60 00
401	B. E. Smith	35 00
402	Frank Reardon	45 00
403	Ida M. Reardon	30 00
404	Anna E. Woods	30 00
405	G. G. Allen	35 00
406	Charles R. Reeves	10 00
407	H. H. Smith	152 36
408	G. B. Stoddard	28 40
409	Fremont County News	18 00
410	E. F. Walter	14 50
411	Consolidated Wagon & Machine Company..	4 32
412	Miller Brothers	97 62
413	The Idaho Sugar Company	31 30
414	O. O. Skalet	479 74
415	St. Anthony Light & Power Company....	36 36
416	James Smith	19 00

417	J. T. Humphries	27 85
418	Mrs. F. A. Pyke	118 75
419	Fremont County French Coach Horse Assoc	15 00
420	Frank Reardon	8 30
421	J. T. Humphries	100 00
422	Bertha E. Humphries	45 00
423	Bradley Fletcher	50 00
424	Marie Fletcher	35 00
425	A. H. Bates	60 00
426	B. E. Smith	35 00
427	Frank Reardon	45 00
428	Ida M. Reardon	30 00
429	Anna E. Woods	30 00
430	G. G. Allen	35 00
431	Metropolitan Market	45 60
432	Miller & Pyke	34 20
433	Metropolitan Market	66 89
434	J. D. Louis	7 00
436	St. Anthony Harness Company	1 40
437	H. H. Smith	220 00
438	St. Anthony Light & Power Company	121 72
439	O. O. Skalet	87 34
440	G. Schirmer	7 43
441	Consolidated Wagon & Machine Company .	13 08
442	Miller Brothers	54 80
443	J. M. Bennett	10 00
435	Chase Furniture Company	192 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906, certified to the Legislature for settlement.

Deaf, Dumb and Blind.

No.	Claimant.	Amount.
13861	James Watson	\$ 180 07
13862	James Watson	75 00
13863	Paul Martin	90 00
13884	Cecilia Watson	65 00
13865	Cora B. Satterly	50 00
13866	Ethel Wilson	50 00
13867	Ed L. Hart	21 93
13869	Plowhead's Market	67 47

13870	The Falk Mercantile Company.....	173	02
14129	James Watson	75	00
14130	Paul Martin	90	00
14131	Cecilia Watson	65	00
14132	Cora B. Satterly	50	00
14133	Ethel Wilson	50	00
14134	Laura Meador	20	00
14135	Florence Delaney	25	00
14136	Katie Baker	40	00
14137	Bell Eastman	30	00
14138	Ed Hart	40	00
14139	Mrs. Frederick E. Wilson.....	25	00
14140	Mark Wilton	12	50
14141	Boise Butcher Company	16	60
14142	Utah School for Deaf and Blind	102	75
14143	A. Gorszky	12	00
14144	J. C. Gjerman	10	00
14145	Harry W. Brown	50	00
14146	Boise Butcher Company	32	45
14626	The Overland Pharmacy	3	55
14627	Capitol Grocery	3	00
14628	Standard Furniture Company	6	00
14629	Mrs. J. M. King	7	00
14630	John F. Eads	15	50
14631	Plowhead's Market	13	80
14632	Idaho Dressed Beef Company	5	19
14633	Boise Butcher Company	41	65
14634	Falk Mercantile Company	93	57
14635	Idaho Steam Laundry Company	8	47
14636	Boise Book & Music Company	1	55
14637	Arch Cunningham & Company	11	05
14833	Boise Tea & Coffee Company	1	69
14834	Paul Martin	90	00
14834a	Cecilia Watson	65	00
14834b	Cora B. Satterly	50	00
14834c	Ethel Wilson	50	00
14834d	Mrs. Frederick E. Wilson	50	00
14834e	Laura Meador	10	00
14834f	Katie Baker	40	00
14834g	Florence Delaney	25	00
14834h	Bell Eastman	30	00
14834i	Edward Hart	40	00
14835	Plowhead's Market	42	60

14836	Idaho Dressed Beef Company ..	8 46
14837	Idaho Steam Laundry	18 00
14838	J. Watson	27 35
14839	The Falk Mercantile Company	83 37
14840	Boise Butcher Company	15 98
14841	Peasley Transfer Company	7 17
15049	The Mode	13 00
15050	J. Watson	75 00
15051	Whiteline Transfer Company	3 95
585	Electric Power Company	12 50
586	J. Watson	9 35
587	Boise Tea & Coffee Company	7 10
588	J. F. Eads	16 10
589	The Crandall Mfg. Co.	24 00
590	Ballou-Latimer Company	11 20
591	John F. Eads	5 20
592	Acme Plumbing & Heating Company	17 80
595	Carlson Lusk Hardware Company	34 10
1065	Boise Butcher Company	7 62
1060	L. P. McCalla	116 00
1061	Carlson-Lusk Hardware Company	2 40
1062	H. Seller & Company	5 75
1063	Plowhead's Market	19 95
1064	The Falk Mercantile Company	34 84

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Insurance Commissioner.

No.	Claimant.	Amount.
14640	Western Union Telegraph Company	\$ 2 21
14641	Western Union Telegraph Company	9 03
14642	E. L. Liggett	35 60
14643	E. L. Ligget	28 50
14644	Rocky Mountain Bell Telephone Company	4 95
14853	Edward L. Ligget	23 50
14854	J. W. Keffe (\$125.00), Pd. \$115.82.....	9 18
15072	Ethel M. Moon	2 75
15073	H. A. Hart	15 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Traveling Library Commission.

No.	Claimant.	Amount.
14286	Margaret Roberts	\$ 65 00
14285	Margaret Roberts	44 11
14645	Peasley Transfer Company	1 75
14646	Peasley Transfer Company	3 00
14860	Margaret S. Roberts	65 00
14861	Statesman Printing Company	6 00
15054	Loree & Son Hardware Company	1 25
15055	Peasley Transfer Company	1 00
15056	Margaret S. Roberts	19 03
15057	Helen M. Daft	8 60
584	E. Louise Johnson	22 93

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

State Bank Examiner.

No.	Claimant.	Amount.
14647	Peasley Transfer Company	\$ 6 60
12346	C. S. Loveland	52 80
14846	C. S. Loveland	73 10
14859	Jessie W. Loveland	20 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Adjutant General.

No.	Claimant.	Amount.
14594	Peasley Transfer Company	\$ 22 50
14595	The Ivy Press	6 75
14596	Rocky Mountain Bell Telephone Company	4 35
14597	Western Union Telegraph Company	10 06
14924	August J. Moritz	50 00
14925	Joseph R. Keeffe	75 00

15052	Arch Cunningham & Company	2 55
15053	Capt. William B. Ladue	2 40
596	Syms-York Company	15 50
1069	Peasley Transfer Company	75
14598	Peasley Transfer Company	21 68

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1096 certified to the Legislature for settlement.

Publishing Constitutional Amendments.

No.	Claimant.	Amount.
13818	Statesman Printing Company	\$ 50 00
14872	Paris Post	50 00
14873	Lewiston Publishing Company	50 00
14874	T. E. Picotte	50 00
14875	The Weiser World	50 00
14876	The Rathdrum Tribune	50 00
14877	Idaho Enterprise	50 00
14878	Dillingham Bros., Pub. Mackay Miner ..	50 00
14879	Standard News.. ..	50 00
14880	Idaho World	50 00
14881	The Republican	50 00
14882	E. A. Strong	50 00
14883	John Lamb Pub. Owyhee Nugget	50 00
14884	Moscow Printing & Publishing Company..	50 00
14885	Tribune Printing & Publishing Company..	50 00
14886	C. M. Gilkey	50 00
14887	Shoshone Journal	50 00
14888	The Tribune Company	50 00
14888a	The Idaho Recorder	50 00
14974	Idaho Republican	50 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Official Bonds.

No.	Claimant.	Amount.
1907	Charles F. Neal	\$ 35 00
1910	Charles F. Neal.....	42 00
1911	Charles F. Neal.....	86 00

1913	Charles F. Neal.....	350 00
1915	McGrew & Abbs	62 50
9825	Charles F. Neal.....	408 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

State Engineer.

No.	Claimant.	Amount.
12997	Jas. Stephenson, Jr., (\$31.10), Pd. \$25.44..\$	5 66
13400	Yost Writing Machine Company	4 00
13401	Arch Cunningham & Company	4 05
13686	Arch Cunningham & Company	3 35
13687	Arch Cunningham & Company	6 75
13688	James Stephenson, Jr.	17 60
13689	Herbert Wing	100 00
13690	Charles Spearman	100 00
13691	Carl Lyman	85 00
13692	Syms-York Company	5 75
14184	C. A. Lyman	90 00
14185	Herbert Wing	105 00
14186	Charles Spearman	105 00
14187	Statesman Printing Company	3 00
14188	Syms-York Company	7 50
14189	Boise Book & Music Company	1 25
14599	Syms-York Company	10 50
14600	Glass & Prudhomme Company	7 10
14601	Peasley Transfer Company	25
14848	Herbert Wing	1 05
14849	Charles Spearman	105 00
14850	James Stephenson, Jr., ...	20 85
14851	Carl Lyman	90 00
14852	Rocky Mountain Bell Telephone Company	3 30
13987	Rocky Mountain Bell Telephone Company	4 10
13988	Rocky Mountain Bell Telephone Company	2 05
13989	Western Union Telegraph Company	68
15065	Arch Cunningham & Company	5 00
15066	Arch Cunningham & Company	1 50
15067	Idaho Typewriter Exchange	1 85
15068	Boise Rubber Stamp Company.....	3 50
15069	Statesman Printing Company.....	3 00
15070	Frank Lathrop	2 00

15071	Western Union Telegraph Company.....	68
583	Syms-York Company	19 75
1068	Western Union Telegraph Company	1 40

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Lewiston State Normal School.

No.	Claimant.	Amount.
14607	William R. Bishop	\$ 150 00
14608	Harry W. Hibbard	135 00
14609	Henry C. Calhoun	135 00
14610	Earl S. Wooster	135 00
14611	Mary E. Urch	135 00
14612	H. L. Talkington	115 00
14613	Mary G. Ingersoll	110 00
14614	Edith E. Bickell	110 00
14615	Bessie E. Eggeman	100 00
14616	Olive Blanchard	95 00
14617	D. C. Somerville	75 00
14618	William A. Laccoarce	65 00
14619	Elizabeth Kettenbach	60 00
14620	Jennie M. Day	60 00
14621	Mabel Brekke	50 00

CLAIMS CERTIFIED TO THE LEGISLATURE.

Unpaid claims of the years 1905 and 1906 certified to the Legislature for settlement.

Miscellaneous.

No.	Claimant.	Amount.
2505	National Surety Company	\$ 50 00
7865	Carlson-Lusk Hardware Company	1,866 77
8832	County of Ada	25 00
12169	John P. Tate	100 00
13819	Glass & Prudhomme Company	204 80
1495	Lyttleton Price	200 00
14959	R. T. Morgan	100 00
14960	J. N. Stevens	165 00
15125	Joseph Collins	137 50
1055	Dean Perkins, Adm. Est. Geo. Parsons, Dec.	200 00

729	J. M. Aldrich	43 50
730	A. F. Hitt	75 00
731	A. McPherson	30 00
1067	Statesman Printing Company	571 22
1066	Robert N. Bell	151 57

RECAPITULATION.

Land Department	\$30,962 04
Capitol Building	15,373 08
Northern Idaho Insane Asylum	3,198 21
State Treasurer	1,682 16
Idaho Industrial Training School	5,703 30
Deaf, Dumb and Blind	2,799 60
Insurance Commissioner	130 72
Traveling Library Commission	237 67
State Bank Commissioner	152 50
Adjutant General	233 22
Publishing Constitution Amendments	1,000 00
Official Bonds	983 50
State Engineer	1,031 42
Lewiston State Normal School	1,530 00
Miscellaneous	3,920 36
Total of claims	\$68,937 78
Estimated interest to cover the same.....	3,500 00
	\$72,437 78

State of Idaho, }
County of Ada } ss.

I, the undersigned, Robert S. Bragaw, State Auditor in and for the State of Idaho, do hereby certify that the within and foregoing is a full, true and correct list of Deficiency Claims and of the amounts due on the same on file in my office, and the estimated interest to cover the payment of the same.

In witness thereof I have hereunto set my hand and affixed my official seal this the twenty-eighth day of February, A. D. 1907.

(Signed) ROBT. BRAGAW,
State Auditor.

We hereby certify that all of the claims against the State for deficiencies as set out in the attached list, have been by

us examined, approved and allowed and certified to the Ninth session of the Legislature of the State of Idaho for their action.

F. R. GOODING,
ROBERT LANSDON,
J. J. GUHEEN,
State Board of Examiners.

SEC. 2. The State Auditor is hereby authorized and required, and it is hereby made his duty, upon presentation of the proper vouchers as required by law, to draw his warrant in favor of the person named in the certificate, the number or name of which is hereinbefore stated, for the amount set opposite said number and name; *Provided*, Said warrants shall not bear interest after 30 days after the approval of this act.

SEC. 3. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved March 12, 1907.

HOUSE BILL NO. 156.

AN ACT

MAKING PROVISION FOR MONEYS TO BE USED IN THE IMPROVEMENT OF THE IDAHO SOLDIERS' HOME BY AUTHORIZING THE ISSUANCE AND SALE OF STATE BONDS AND LEVYING A SPECIAL TAX FOR THE PAYMENT OF SUCH BONDS AND THE INTEREST THEREON.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing moneys for the improvement of the Idaho Soldiers' Home a loan of five thousand dollars (\$5000.00) is hereby authorized and directed to be negotiated by a board consisting of the Governor, the Secretary of State, the State Treasurer and the Attorney General, upon the faith and credit of the State of Idaho.

SEC. 2. That immediately after the passage and approval of this act, the State Treasurer shall cause to be printed or lithographed five (5) bonds of the State of Idaho, numbered consecutively from one (1) to five (5) inclusive, with the necessary coupons attached, suitable for carrying out the

provisions of this act relative to the issuance and sale of bonds.

SEC. 3. That the bonds hereby authorized shall be known as, "Idaho Soldiers' Home Improvement Bonds, 1907" and shall bear date and be issued as of July 1, 1907; they shall be in the sum of one thousand dollars (\$1,000.00) each, payable and due in twenty (20) years from the date of their issuance, and bear interest at a rate not to exceed four (4) per centum per annum which shall be payable and due semi-annually on the first days of January and July in each year; and both the principal thereof when payable, or at maturity, and the interest thereon as the same becomes due shall be payable at the office of the State Treasurer of the State of Idaho in Boise City, or at a bank in the city of New York to be selected by the said State Treasurer and named both in each of the bonds themselves and in each of the coupons attached thereto, at the option of the owner or holder of each at the date the same or any of the interest coupons attached thereto become due or are called for payment. The interest to accrue upon each of the said bonds shall be evidenced by forty (40) coupons numbered consecutively from one (1) to forty (40) inclusive and all of the said coupons shall also bear a number corresponding to the number of the bond to which they are attached; the said coupons shall be so attached that they may be removed from the bonds without injuring or mutilating the same.

The right, privilege, and option to redeem any or all of the Idaho Soldiers' Home Improvement Bonds, 1907, at any time after ten (10) years from the date of their issuance is hereby reserved to the State of Idaho.

SEC. 4. That both the principal and the interest upon the principal of the bonds hereby authorized shall be paid when due, or when payable, in gold coin of the United States of, or equal to, the present standard of weight and finess.

SEC. 5. That the bonds hereby authorized shall be executed and authenticated by the Governor and the Secretary of State of the State of Idaho in the following manner: The Governor shall sign each of the said bonds with his own proper name, to which he shall affix his official character; the Secretary of State shall likewise sign each with his own proper name to which he shall affix his official character and shall also authenticate each by affixing thereto the great seal of the State of Idaho.

SEC. 6. That the Secretary of State, forthwith after signing and authenticating the same, shall deliver the said bonds to the State Auditor who shall make and keep a register thereof, which register shall show the number, amount and date of each, the act by which authorized, the rate of interest to be paid thereon, the date upon and after which the State may exercise its option to redeem, the date upon which each becomes due, the place at which both the principal and the interest must be paid, the date fixed for the payment of the semi-annual installments of interest, the amount of each interest coupon attached thereto, and such other and further information concerning the same as he shall deem necessary. When the bonds shall have been sold, the State Auditor shall require of the State Treasurer and the Treasurer shall furnish to the Auditor the name of the purchaser, or purchasers, of each which information the auditor shall thereupon enter in his register with the other information contained therein relating to such bonds.

Having registered the same as above required the State Auditor shall deliver the said bonds to the State Treasurer, taking the Treasurer's receipt therefor, and shall charge the Treasurer, on the books of the Auditor's office, with the full par value of each bond.

SEC. 7. That, at the time of the issuance of the said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name to which he shall affix his official character and shall, in like manner, sign the coupons thereto attached, and such signing shall bind the State. The Treasurer shall deliver all bonds sold under the provisions of this act to the purchaser, or purchasers, upon the receipt of the par value thereof and any premium which may have been offered by such purchaser, or purchasers, and accepted therefor. None of said bonds shall be sold or delivered to any purchaser, or purchasers, for any sum or amount less than their par or face value.

All moneys received from the sale of said bonds shall be by the State Treasurer placed in a fund, hereby created and established, which shall be known as the "Soldiers' Home Improvement Fund, 1907."

The State Treasurer shall also make and keep a register of all bonds sold under the provisions of this act, which register shall contain all the facts and data relative to such bonds

required to be shown by the register thereof in the office of the State Auditor and such other information concerning the same as the Treasurer shall deem necessary.

SEC. 8. When the moneys arising from the sale of any of the bonds authorized hereby are received by the State Treasurer, he shall notify the State Auditor of the amount of the money so received and the name of the person, or persons, to whom such bonds were sold. The Auditor shall thereupon charge to the Treasurer an amount, in addition to the amount charged at the time the said bonds were delivered by the auditor to the treasurer, equal to the premium bid and paid by the purchaser, or purchasers, of such bonds.

SEC. 9. That the proceeds of the sale of the bonds hereby authorized are hereby appropriated out of the said Soldiers' Home Improvement Fund, 1907, for the improvement of the Idaho Soldiers' Home under the direction of the board of trustees of the Soldiers' Home and for the payment of the necessary expenses of procuring the printing or lithographing of the bonds required in carrying out the provisions of this act, which expenses are hereby declared to be a legal charge against the same properly payable therefrom.

SEC. 10. That for the purpose of providing moneys for the payment of the interest upon the said bonds and the principal thereof as and when the same shall become due and payable, an annual ad valorem tax of one and one-half ($1\frac{1}{2}$) mills on each one hundred dollars (\$100.00) of the assessed valuation of all property in the State of Idaho, not exempt from taxation, is hereby levied and the same shall be collected as taxes for general State purposes are collected and in like manner shall be paid into the State treasury. When received into the treasury, the moneys collected on account of such tax shall be set apart in and constitute a fund, hereby created and established, which shall be known as the "Soldiers' Home Improvement Bond Fund, 1907" and all moneys belonging thereto are hereby appropriated to meet, or fulfill, the purposes hereinbefore, in this section, stated—that is to say all moneys which may hereafter accrue to the Soldiers' Home Improvement Bond Fund, 1907, are hereby appropriated for the payment of the principal and the interest upon the principal of the Idaho Soldiers' Home Improvement Bonds, 1907, as and when the same shall become due or payable.

SEC. 11. For the prompt payment of the interest coupons attached to the said bonds when due, at such times as there shall not be sufficient moneys in the Soldiers' Home Improvement Bond Fund, 1907, for such purpose, there is hereby appropriated out of the general fund of the State of Idaho, annually, when required for such purpose, an amount equal to the annual interest upon the principal of the Idaho Soldiers' Home Improvement Bonds, 1907, and to meet the requirements of this section the State Treasurer shall reserve any and sufficient funds in the said general fund, in preference to all other claims whatsoever, except the interest upon bonds of the State of Idaho heretofore, or before the going into effect of the provisions of this act, issued pursuant to law.

The State Treasurer shall replace any moneys taken from the said general fund, under the provisions of this act, with moneys from the Soldiers' Home Improvement Bond Fund, 1907, as soon as a sum sufficient for such purpose shall have been received into the said last mentioned fund.

SEC. 12. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 190.

AN ACT

TO PROVIDE FOR THE CONSTRUCTION AND EQUIPMENT OF A STATE FISH HATCHERY, FOR THE MAINTENANCE OF THE SAME AND THE DISRIBUTION OF THE FRY TO THE VARIOUS WATERS OF THE STATE OF IDAHO; TO PROCURE THE NECESSARY LAND AND WATER, AND TO ERECT THE NECESSARY BUILDINGS THEREFOR AND DWELLING HOUSE FOR THE SUPERINTENDENT AND TO PROVIDE FOR A SUPERINTENDENT AND ASSISTANTS OF SUCH HATCHERY; AND TO MAKE AN APPROPRIATION FOR SAID PURPOSES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The State Fish and Game Warden is hereby authorized and directed to erect and maintain a fish hatchery in this State for the purpose of the artificial propagation and distribution of food and commercial fishes, and for the pur-

pose of raising and distributing game birds and such game animals as can be reasonably raised on the premises occupied by such hatchery without further compensation than that provided by law.

SEC. 2. The necessary lands and water on which shall be erected the hatchery mentioned in section 1 of this act, and a dwelling house for the superintendent, may be selected and obtained by purchase or otherwise by the Governor and State Fish and Game Warden, taking deed or deeds therefor in the name of the State of Idaho; and the hatchery may be erected over and upon any waters in the State which flows over, across or upon the land so selected for such hatchery.

SEC. 3. The State Fish and Game Warden shall have supervision over all fish culture matters of a public nature, and shall receive and provide for the proper care and distribution of such food fishes or ova of the same and such game birds and animals as shall come into the possession of the State. He may also obtain ova or fry from such fish at such places and of such variety as he may deem most suitable to the waters of this State, and have the same hatched at the State hatchery; and shall distribute the same in a prudent and equitable manner throughout the different waters of the State.

SEC. 4. The State Fish and Game Warden shall annually, before the first day of December, make to the Governor a detailed report of the transaction of the year, and set forth in said report any and all information he may have obtained in regard to the varieties of fish adapted to the waters of this State, or method of culture of the same, the water to which they are adapted, the number of fish hatched and where distributed and in what waters placed, together with any and all information that may aid in promoting the culture of edible fish in this State.

SEC. 5. The State Fish and Game Warden may examine the waters of the State that are not naturally stocked with fish, as to their adaptability for fish, and stock the same, if suitable, with the varieties of fish that are best adapted to the waters.

SEC. 6. The sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary, is hereby appropriated out of the fish and game fund of this State, for the purpose of carrying out the provisions of this act, payable out of any money in said fish and game fund, to be expended by or under

the direction of the State Fish and Game Warden and Governor.

SEC. 7. The State Fish and Game Warden shall appoint the superintendent and such assistants as may be necessary. The salary of the superintendent shall not exceed twelve hundred dollars (\$1200) per annum and the assistants not to exceed seventy-five dollars (\$75) per month; and the cost of the dwelling referred to in section 2 of this act, shall not exceed the sum of fifteen hundred dollars (\$1500).

SEC. 8. An emergency existing therefor, this act shall take effect and be in force and after its passage and approval by the Governor.

Approved March 12, 1907.

HOUSE BILL NO. 203.

AN ACT

GRANTING ADDITIONAL POWERS TO THE STATE GAME WARDEN FOR THE PURPOSE OF BRINGING ABOUT THE DESTRUCTION OF PREDATORY ANIMALS AND MAKING AN APPROPRIATION THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It is hereby made the duty of the State Game Warden to devise and put into operation such methods and means as will best secure and attain the extermination of wolves, coyotes, wildcats, cougars and such other wild animals as are in the habit of preying upon such game animals, birds and fowls as are protected by the game laws of this State and to this end the sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary is hereby appropriated out of the fish and game fund of this State.

SEC. 2. The State Game Warden shall keep an accurate account of all animals destroyed under the provisions of this act and make report thereof at the same time and manner as in the case of his other official acts, and shall where practicable skin and preserve and dispose of all hides and furs of value, the proceeds of which shall be accounted for and paid into the State treasury and credited to the fish and game fund.

Approved March 12, 1907.

HOUSE BILL NO. 147.

AN ACT

AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF LEMHI COUNTY TO SUBMIT THE QUESTION OF INCURRING AN INDEBTEDNESS ON THE PART OF LEMHI COUNTY FOR THE CONSTRUCTION OF THE BIG CREEK WAGON ROAD THEREIN TO A VOTE OF THE QUALIFIED ELECTORS OF SAID COUNTY, AND IN CASE THE ELECTORS OF LEMHI COUNTY VOTE IN FAVOR OF INCURRING SUCH AN INDEBTEDNESS AUTHORIZING AND DIRECTING THE SAID BOARD OF COUNTY COMMISSIONERS TO ISSUE AND PAY WARRANTS THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The firm of Winters, Parsons and Boomer, in the year 1894, having constructed a wagon road in the county of Lemhi, known as the Big Creek Road, under a supposed contract with the board of commissioners of said county, by the terms of which said firm was to receive the sum of fourteen thousand, four hundred and forty-five dollars (\$14,445) therefor, and the warrants issued to such firm in payment for such work having been held by the courts to be void, and the said county having received the said road and declared the same to be a public highway and having used the same as a public highway since the construction thereof in 1894, the board of county commissioners of said Lemhi county are hereby authorized and directed to submit to the qualified electors of said county, at the next general election held therein, the question of incurring, by the said county, an indebtedness, to the firm of Winters, Parsons and Boomer, for the construction of said wagon road, to an amount not exceeding the sum of fourteen thousand four hundred and forty-five dollars (\$14,445).

SEC. 2. The said board of county commissioners of said Lemhi county, in case, at such election, two-thirds of the electors voting upon such question shall vote in favor of such indebtedness, shall thereupon, at their next regular meeting after such election, proceed to issue warrants upon the current expense fund of said county in payment of such indebtedness and for the payment of such warrants, shall thereafter, from year to year, levy a tax of not less than twenty-five cents upon each hundred dollars of taxable property in said county until such warrants shall have been fully paid and discharged.

Approved March 12, 1907.

HOUSE BILL NO. 148.

AN ACT

MAKING IT UNLAWFUL FOR A MAN RESIDING IN THE STATE OF IDAHO, TO NEGLECT OR REFUSE TO PROVIDE REASONABLE SUPPORT AND MAINTENANCE FOR HIS WIFE OR MINOR CHILDREN; MAKING PROVISION FOR THE INCAPACITY OR OTHER GOOD CAUSE SHOWN BY THE HUSBAND, PRESCRIBING HOW PROSECUTIONS UNDER THIS ACT MAY BE INSTITUTED; PROVIDING FOR THE PUNISHMENT OF THOSE GUILTY OF VIOLATING THE PROVISIONS OF THIS ACT; AND GIVING POWER TO THE COURT IN WHICH A CONVICTION IS OBTAINED UNDER THIS ACT TO ACCEPT A BOND IN LIEU OF THE PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, SUCH BOND TO RUN TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH CONVICTION IS HAD AND CONDITIONED FOR THE SUPPORT OF THE WIFE, CHILD OR CHILDREN, AS THE CASE MAY BE, FOR THE TERM OF SIX MONTHS AFTER THE DATE OF SUCH CONVICTION; PROVIDING ALSO THAT THE WIFE SHALL BE A COMPETENT WITNESS AGAINST THE HUSBAND, WITH OR WITHOUT HIS CONSENT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any man residing in this State to willfully neglect, fail or refuse to provide reasonable support and maintenance for his wife or minor children, and any person guilty of such neglect, failure or refusal, upon the complaint of the wife, the chairman of the board of county commissioners or the agent of a humane society, and upon due conviction thereof, shall be adjudged guilty of a misdemeanor and shall be committed to the county jail for the period of not more than sixty (60) days; unless it shall appear that owing to physical incapacity or other good cause he is unable to furnish such support; *Provided*, That in case of conviction for the offense aforesaid, the court before which conviction is had, may in lieu of the penalty herein provided, accept from the person convicted a bond to the board of county commissioners of the county in which such conviction is had, with good and sufficient surety conditioned for the support of the wife, child or children, as the case may be for the term of six months after the date of said conviction and the court may accept such bond at any time after such conviction and order the release of the person so convicted.

SEC. 2. In all prosecutions under this act a wife shall be a competent witness against her husband, with or without his consent.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1907.

HOUSE BILL NO. 146.

AN ACT

TO PROVIDE A STATE FLAG FOR THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That a state flag for the State of Idaho be and the same is hereby adopted, the same to be as follows:

The state flag of the State of Idaho shall be blue, charged with the name of the State, in such colors and of such size and dimensions as shall be prescribed by the adjutant general of the State of Idaho.

SEC. 2. That said Adjutant General shall have general supervision over the form and construction of said flag.

SEC. 3. That the sum of one hundred dollars (\$100.00), out of the general fund of the State, not otherwise appropriated shall be and the same hereby is appropriated to defray the expenses of the same, said appropriation being subject to the order of the Adjutant General, and to be allowed and audited in the same manner as all other bills presented against the State.

SEC. 4. That all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. Whereas an emergency exists, therefor this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

HOUSE BILL NO. 201.

AN ACT

TO AMEND SECTIONS 84 OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE

SCHOOLS" APPROVED ON THE SIXTH DAY OF FEBRUARY, 1899, AS AMENDED BY AN ACT APPROVED ON THE SIXTH DAY OF MARCH, 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 84 of said act be amended to read as follows:

Section 84. The board of trustees of said district shall have power to and it is their duty:

First. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this chapter.

Second. To employ or discharge teachers, mechanics and laborers, and to fix, allow and order paid their salaries and compensation, and to determine the rates of tuition for non-resident pupils.

Third. To levy a special tax if necessary, which, when added to moneys apportioned by the county superintendent of schools, will be sufficient to provide funds for the maintenance of the schools for nine months in each year; the special taxes levied by said board of trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools shall not exceed twenty mills on the dollar.

Fourth. To provide furniture, fixtures and apparatus, and for everything needed in the school house or for the use of the board.

Fifth. To rent, repair and insure school houses and property and preserve the same for the benefit of the schools of the district.

Sixth. To build or remove school houses and buildings and to purchase or sell school lots.

Seventh. To expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six years of age.

Eighth. To determine the number and qualifications of teachers who shall be employed and the length of time the school shall be kept, to fix the time for opening or closing of schools and for the dismissal of primary pupils before the regular time of closing schools.

Ninth. To require pupils to be furnished with proper and suitable books as a condition of membership in the schools.

Tenth. To exclude from the schools and school libraries of said district all books, papers, and catechisms of a sectarian nature.

Eleventh. To require teachers to conform to the law and regulation of the board.

Twelfth. To protect the morals and health of the pupils while at school.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. An emergency existing therefor this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 186.

AN ACT

EMPOWERING BOARDS OF COUNTY COMMISSIONERS TO GRANT LICENSES FOR THE CONSTRUCTION AND REPAIR OF ROADS ON WHICH TOLL MAY BE CHARGED FOR TRACTION ENGINES USED IN TRANSPORTING HEAVY FREIGHT, SPECIFYING THE MANNER OF APPLYING FOR LICENSE, PROVIDING FOR RULES AND REGULATIONS GOVERNING THEM, AND LIMITING THE TIME FOR WHICH LICENSE MAY BE GRANTED.

Be It Enacted By the Legislature of the State of Idaho :

SECTION 1. Any person, company or corporation proposing to construct a road or to improve any public road or part thereof for the purpose of using on such road traction engines for the transporting of heavy freight must publish a notice in some newspaper of the county in which said proposed road or major portion thereof is situated, for two consecutive weeks, specifying the location of such road and the time and place, when and where application will be made for a license to charge toll on such roads to any person, company or corporation using the same for the purpose above set forth. After notice is given, application must be made in writing to board of county commissioners of the county in which said road or major portion thereof is located, describing the location of

said road and general character of the proposed construction or improvement.

SEC. 2. At the hearing of such application, proof of giving notice as required in section 1 of this act must be made, and the board of commissioners may then grant such application.

SEC. 3. Any person, company or corporation constructing or improving roads under the provisions of this act shall furnish to the board of county commissioners a sworn statement of the items of expense incurred in such work.

SEC. 4. The board of commissioners shall make all needful rules and regulations for the control of such roads, prescribing what rates of toll shall be charged thereon, and fixing penalties for the violation of regulations: *Provided*, That nothing in this act contained shall be construed to empower the granting of license to charge toll for any purpose except as herein specifically set forth, and, *Further Provided*, That no license to collect toll on such road shall be granted for a longer period than seven years.

SEC. 5. An emergency existing therefor, this act shall be in force and effect from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 232.

AN ACT

TO AMEND SECTION 6 OF AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 4, 6 AND 60 OF AN ACT APPROVED FEBRUARY 10, 1899, ENTITLED 'AN ACT TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES AND VILLAGES,' APPROVED MARCH 15, 1905," AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 6 of an act approved March 15, 1905, entitled "An act to amend sections 4, 6 and 60 of an act approved February 10, 1899, entitled 'An act to provide for the organization, government and powers of cities and villages,'" be amended to read as follows:

Section 6. At the time of the biennial city election hereinafter provided for, there shall be elected a mayor, a clerk, a treasurer, a city engineer, a police judge and the councilmen

hereinbefore provided for. The mayor, with the consent of the council, may appoint a city attorney and an overseer of streets, who shall hold their offices for two years unless sooner removed by the mayor with the consent of the council. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen as may be necessary, and may also appoint special policemen from time to time as exigencies arise. The police officers appointed by the mayor and council in accordance herewith shall be removable at any time by the mayor: *Provided*, The council may provide by ordinance that the city clerk shall be ex-officio police judge.

SEC. 2. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 168.

AN ACT

TO PROHIBIT THE APPOINTMENT OF MEMBERS OF THE LEGISLATURE TO ANY OFFICIAL POSITION CREATED BY A LAW ENACTED BY THE LEGISLATURE OF WHICH THEY ARE MEMBERS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any member of the Legislature during the term for which he was elected to accept or receive, or for the Governor, or other official or board, to appoint such member of the Legislature, to any office of trust, profit, honor or emolument, created by any law passed by the Legislature of which he is a member.

SEC. 2. Any appointment made in violation of section 1 of this act shall be null and void and without force and effect, and any attempt to exercise the powers of such office by such appointee shall be a usurpation and the appointee shall be deemed guilty of a misdemeanor and, on conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars.

SEC. 3. Whereas an emergency exists therefor this act shall be in force and effect from and after its passage and approval.

Approved March 13, 1907.

SENATE BILL NO. 94.

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED, "AN ACT PRESCRIBING THE METHOD BY WHICH TERRITORY NOT ALREADY WITHIN THE CORPORATE LIMITS OF ANY INCORPORATED CITY, TOWN OR VILLAGE, BUT CONTIGUOUS OR ADJACENT THERETO, MAY BE ANNEXED THERETO AND INCLUDED WITHIN THE LIMITS OF SUCH INCORPORATED CITY, TOWN OR VILLAGE AND BECOME A PART THEREOF AND SUBJECT TO THE ORDINANCES AND BY-LAWS THEREOF, AND DECLARING AN EMERGENCY," APPROVED MARCH 8, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2 of an act entitled, "An act prescribing the method by which territory not already within the corporate limits of any incorporated city, town or village, but contiguous or adjacent thereto, may be annexed thereto and included within the limits of such incorporated city, town or village and become a part thereof and subject to the ordinances and by-laws thereof," approved March 8, 1905, be amended as follows:

Section 2. It shall be the duty of the clerk of any city, town or village, upon the taking effect of such ordinance, to file with the county recorder of the county in which said city, town or village is located, a copy of the said ordinance duly certified as to the correctness thereof, under the corporate seal of such city, town or village; and shall order the same surveyed, if the council or board of trustees shall so direct, the cost of said survey to be pro rated according to the amount of land surveyed and assessed to the then owners of said lands, and the assessments handled the same as regular tax; and thereupon and thereafter the corporate limits of such city, town or village shall extend to and include such land, and thereafter all property and persons within the limits of such annexed tract of land shall be subject to the provisions of all by-laws and ordinances of the said city, town or village and the police regulations thereunder.

SEC. 2. An emergency existing therefor, this act shall be in full force and effect from and after its passage.

Approved March 13, 1907.

SENATE BILL NO. 109.

AN ACT

504 526
AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO GRANT RIGHTS OF WAY OVER STATE LANDS; REPEALING AN ACT ENTITLED, "AN ACT GRANTING TO RAILROADS THE RIGHT OF WAY THROUGH STATE AND SCHOOL LANDS OF IDAHO," APPROVED FEBRUARY 28, 1899, REPEALING ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The State Board of Land Commissioners is hereby empowered to grant over and upon any land owned or controlled by the State of Idaho, rights of way for railroad, telegraph, telephone and electric lines, also rights of way for highway purposes and rights of way for any other public or private purpose or beneficial use. Application for such right of way must be accompanied by a map, in duplicate, showing the course of such right of way over each smallest legal subdivision of land and the amount of land required for said right of way. The said right of way may be granted by the State Board of Land Commissioners upon such terms and upon such compensation being paid therefor as the said board may determine: *Provided*, That no land shall be sold under the provisions of this act for less than ten dollars (\$10.00) per acre. Upon the said right of way being granted, it shall be the duty of the Register of the State Land Board to enter the same upon the plats of State lands on file in his office: *Provided further*, That if the lands so granted are not used for the purpose specified in the application for right of way, within five years from the granting of such right of way, then in such event the said lands so granted shall revert to the State; or if the tracks or works upon such lands for which such right of way has been granted are not completed within five years after such right of way has been granted, the State Land Board shall have the right to declare such rights of way forfeited.

SEC. 2. The act of the Legislature of the State of Idaho, entitled, "An act granting to railroads the right of way through State and school lands of Idaho," approved February 28, 1899, and all other acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 13, 1907.

SENATE BILL NO. 128.

AN ACT

ENTITLED, "AN ACT RELATING TO STATE LANDS AND AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO WITHDRAW CERTAIN CLASSES OF LANDS FROM SALE AND TO LEASE SAME IN PARCELS."

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Wherever any lands are owned by the State of Idaho, bordering on or in the vicinity of any lake, waterfall, spring, or other natural curiosity, the State Board of Land Commissioners may withdraw said premises from sale. If in the opinion of the said land board it is desirable, the said lands may be platted into lots and blocks, parks, streets and public places and said lots and blocks may be appraised and an annual rental fixed thereon. No lease of such premises shall be made for a longer period than seven years and every lease shall specify that no saloon or disorderly house shall be kept on the premises, that the premises shall be kept in good condition and that no waste shall be committed thereon. The said land board may require a bond against waste and may prescribe additional rules and regulations for leasing of said premises for the use thereof and for construction of buildings or other improvements thereon and the removal thereof.

Approved March 13, 1907.

SENATE BILL NO. 136.

AN ACT

TO AMEND SECTION 5 OF CHAPTER 1 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR A STATE ENGINEER, DEFINING HIS DUTIES AND REGULATING HIS COMPENSATION AND TO PROVIDE FOR THE ACCEPTANCE BY THE STATE OF IDAHO FROM THE UNITED STATES OF CERTAIN LANDS, AND TO PROVIDE FOR THE RECLA-

MATION, OCCUPATION AND DISPOSAL OF THE SAME," APPROVED MARCH 3, 1899, AND INCREASING THE SALARY OF THE STATE ENGINEER AND THE AMOUNT ALLOWED FOR EXPENSES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5 of chapter 1 of an act entitled, "An act to provide for a State Engineer, defining his duties and regulating his compensation, and to provide for the acceptance by the State of Idaho from the United States of certain lands, and to provide for the reclamation, occupation and disposal of the same," approved March 3, 1899, be amended to read as follows:

Section 5. Said State Engineer shall receive a salary of two thousand five hundred dollars per year payable monthly by the State Treasurer upon warrants drawn by the State Auditor, together with his actual expenses, as shown by an itemized bill, necessarily incurred when called away from the State capital in the discharge of his duties in a sum not to exceed one thousand (1,000.00) dollars per annum.

Approved March 13, 1907.

SENATE BILL NO. 124.

AN ACT

TO AMEND SECTION 5 OF AN ACT ENTITLED, "AN ACT DEFINING THE POWER AND DUTIES OF THE STATE BOARD OF LAND COMMISSIONERS; PROVIDING FOR THE SELECTION, LOCATION, APPRAISEMENT, SALE, LEASING AND GENERAL MANAGEMENT OF THE PUBLIC LANDS OF THE STATE, AND FOR THE INVESTMENT OF THE MONEYS DERIVED FROM THE SALE THEREOF; CREATING THE OFFICE OF REGISTER, AND THE OFFICE OF STATE LAND COMMISSIONER; DEFINING THE DUTIES OF SAID OFFICERS AND PRESCRIBING THEIR COMPENSATION; PRESCRIBING PENALTIES FOR A VIOLATION OF THIS ACT AND REPEALING CERTAIN, AND ALL, ACTS IN CONFLICT WITH THIS ACT," APPROVED THE SECOND DAY OF MARCH, 1905, "PROVIDING FOR THE SALARY AND COMPENSATION OF THE REGISTER OF THE STATE BOARD OF LAND COMMISSIONERS," AND DECLARING AN EMERGENCY TO EXIST THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5 of said act is hereby amended to read as follows:

Section 5. The State Board of Land Commissioners are hereby authorized to appoint a Register of the State Board of Land Commissioners, who is not a member of said board, whose salary shall be two thousand five hundred dollars per annum. It shall be the duty of the Register to keep the records of the State Board of Land Commissioners, to make out and countersign all patents and leases issued by the president of the said board to purchasers and lessees of State lands, and to keep a suitable record of the same; to file and preserve bonds of lessees and those given by purchasers to secure deferred payments; to make and deliver to purchasers suitable certificates of purchase; to have the custody of the seal of the State Board of Land Commissioners; to keep the minutes of the said board, and to perform such other duties concerning the land affairs of the State as the said board may direct. It shall also be the duty of the Register in any or all contested cases, at the direction of the board, when hearings are necessary and witnesses may be required to be examined, to set a date for hearing such cases. The Register shall duly advise the contestants and their accredited attorneys of the date set for such hearings, and on the date appointed the Register is hereby empowered to administer oaths and to hear and receive evidence, after the manner and procedure established by the United States in the district land offices, or in accordance with the rules that are or may be adopted by the board governing such cases. All evidence given and provided in such cases before the Register, shall be at contestant's own cost, and shall be fully transcribed and arranged, and shall form a part of the records of the office of the State Board of Land Commissioners. The Register shall, as soon as convenient after such hearings, present a full transcript of the proceedings to the State Board of Land Commissioners, who shall render a decision in accordance therewith. The Register shall be provided with a suitable office, office furniture, stationery and postage by the Secretary of State.

SEC. 2. Whereas, an emergency exists therefor, this act takes effect immediately from and after its passage and approval.

Approved March 13, 1907.

SENATE BILL NO. 137.

AN ACT

ENTITLED, "AN ACT RELATING TO THE DUTIES OF THE STATE ENGINEER AND THE APPROPRIATION OF WATER FOR IRRIGATION."

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Whenever application has been made for a permit to appropriate water for irrigation, or whenever a permit has been issued and the applicant or permit holder desires to change the place of intended use of the water or correct the description of the lands to be irrigated, he shall file a request therefor with the State Engineer who shall thereupon note the application on the record of the original application or permit, and shall issue a new permit noting the amendment therein and specifying that it is issued as an amendment to the original. The right to the use of water under the amended permit shall date from the time of the original permit: *Provided*, An additional amount of water is not asked for and except where the rights of others are adversely affected by such changes, in which case it shall date from the filing of the application for the amendment.

Approved March 13, 1907.

HOUSE BILL NO. 112.

AN ACT

REQUIRING EVERY BOX OR PACKAGE AND WRAPPER CONTAINING ANY HIGH EXPLOSIVES TO BE STAMPED WITH THE PERCENTAGE OF NITRO-GLYCERINE OR OTHER HIGH EXPLOSIVE THEREIN, AND WITH THE NAME OF THE MANUFACTURER AND DATE OF THE MANUFACTURE THEREOF, AND REQUIRING THE NAME AND DATE ON THE BOX OR PACKAGE TO BE THE SAME AS ON THE WRAPPER, AND PROHIBITING TWO OR MORE DIFFERENT DATES BEING PLACED THEREON AND THE USE OF ANY BOX, PACKAGE OR WRAPPER FORMERLY USED BY ANOTHER IN THE PACKING OF ANY SUCH EXPLOSIVE, AND PROVIDING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person and per-

sons, partnership or corporation to sell or offer for sale, or take or solicit orders of sale, or purchase or use, or have on hand, or in store for the purpose of sale or use in any State any giant, hercules, atlas, venture or any high explosive containing nitro-glycerine, unless on each and every box or package and wrapper containing any such giant, hercules, atlas or venture, or any other high explosive containing nitro-glycerine, there shall be plainly stamped or printed the name and place of business of the person or partnership or corporation by whom or which the same was manufactured, and the exact and true date of its manufacture, and the percentage of nitro-glycerine or other high explosive contained therein.

SEC. 2. It shall be unlawful for any person or persons, partnership or corporation, to have two or more different dates in any such box or package containing giant, hercules, atlas, or venture, or any other high explosive containing nitro-glycerine; it shall further be unlawful for any person or persons, partnership or corporation, to use any box, package or wrapper formerly used by any other person or persons, partnership or corporation, in the packing of such giant, hercules, atlas, venture or other high explosives containing nitro-glycerine; and the name and date on such box or package shall be the same as on the wrapper containing such giant, hercules, atlas, venture, or other explosives containing nitro-glycerine.

SEC. 3. If any person or persons, partnership or corporation, shall violate any of the provisions of this act, such person or persons, the members of such partnership, or the officers or agents of such corporations, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. This act shall take effect from and after October 1, 1907.

Approved March 13, 1907.

HOUSE BILL NO. 212.

AN ACT

PROVIDING FOR THE SAFETY OF RAILROAD OPERATION
AND PROHIBITING INJURY TO RAILROAD TRACKS AND

OTHER PROPERTY AND MALICIOUS INTERFERENCE THEREWITH, AND DECLARING SUCH PROHIBITED ACTS TO BE CRIMINAL AND PROVIDING PENALTIES THEREFOR.

Be It Enacted By the Legislature of the State of Idaho :

SECTION 1. Every person who maliciously removes, displaces, injures, or in any way interferes with, or changes, or destroys, any part of any railroad property, whether for cars propelled by steam, or any other motive power, or any track of any railroad, or any branch or branchway, switch, block, or other signal or signaling device, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof attached to or connected with any railroad, is punishable by imprisonment in the State prison not exceeding ten (10) years, or by fine not exceeding one thousand dollars (\$1,000.00), or by both fine and imprisonment in the discretion of the court.

Approved March 13, 1907.

SENATE BILL NO. 92.

AN ACT

TO AMEND SECTION 81 OF CHAPTER 10 OF THE GENERAL LAWS OF THE STATE OF IDAHO, AS ENACTED AT THE FIFTH SESSION, ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS," AS AMENDED BY SENATE BILL NO. 8 OF THE ACTS OF THE LEGISLATURE OF 1903, APPROVED FEBRUARY 24, 1903, SO AS TO HAVE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES HELD ON THE FIRST TUESDAY IN SEPTEMBER, INSTEAD OF THE FIRST MONDAY IN SEPTEMBER.

Be It Enacted By the Legislature of the State of Idaho :

That section 81 of chapter 10 of the general laws of the State of Idaho, as enacted at the fifth session, entitled "An act to establish and maintain a system of free schools," as amended by the Legislature of 1903, by act approved February 24, 1903, be amended to read as follows:

Section 81. There must be an election for two members of the board of trustees to be held on the first Tuesday of September following the establishment of such district and annually thereafter an election must be held to elect two trustees.

The clerk of the board must give at least ten days' notice of the time and place of such election, by publication in a newspaper or by three posted notices in the district, and at all elections under this chapter voters must have the same qualifications prescribed by this title for the school elections. At such elections any person offering to vote may be challenged and required to take all oaths required for voters at the general elections in this State, and on refusing to take such oaths must not be allowed to vote. And the board of trustees may appoint for all such elections two judges and one clerk. Voting must be by ballot and if upon counting the ballots there is a tie and three qualified persons have the highest and an equal number of votes, the board of trustees must select two from the three, and when there is a failure to elect by reason of a tie of vote, the board of trustees must select.

If any trustee dies, removes from the district or ceases to have the qualifications for such office, or for any cause his office is vacant or neglects or refuses to act, or without excuse ceases to attend the meetings of the board for four successive regular meetings thereof, his office thereby becomes vacant and a majority of said board of trustees may appoint another qualified person to fill his unexpired term.

All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1907.

SENATE BILL NO. 80.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE POWER OF A DISTRICT JUDGE SITTING AT CHAMBERS, PRESCRIBING AND DEFINING SUCH POWER, AND PRESCRIBING A PROCEDURE IN RELATION THERETO, AND REPEALING SECTIONS 3890 AND 3910 OF THE REVISED STATUTES OF THE STATE OF IDAHO."

Be It Enacted By the Legislature of the State of Idaho :

SECTION 1. That section 1 of the above entitled act be and is hereby amended to read as follows :

A district judge may sit at chambers anywhere within his district, and when so acting, has jurisdiction and power as follows :

- 1st. To grant, dissolve or modify temporary injunctions.
- 2nd. To discharge attachments.
- 3d. To hear applications for the sale of perishable personal property held under attachment.
- 4th. To hear applications for the appointment of a receiver, or to discharge one already appointed, or to modify the order appointing one, and to make all orders in relation to receivers, usually made by a judge or a court in such matters.
- 5th. To hear applications for mandamus, or habeas corpus, and enter final judgment therein.
- 6th. To act upon a motion for a new trial.
- 7th. To issue writs of review and prohibition, and to hear and determine the same, and enter final judgment therein.
- 8th. To appoint appraisers under the Eminent Domain act.
- 9th. To grant all orders and writs which are usually granted in the first instance upon ex-parte applications.
- 10th. To issue citation, and hear and determine, and enter final judgment in all proceedings brought under or in pursuance of section 7459, Revised Statutes of Idaho.
- 11th. To exercise all powers expressly conferred upon a judge by any statute of this State, as contra-distinguished from the court.
- 12th. To receive a plea of guilty upon his application, from any person charged with a crime in the district court, and to pass sentence and final judgment thereon; said judgment to be filed with the clerk of the court of the proper county where said cause of action arose, and to have the same force and effect as any other final judgment entered in a criminal cause.
- 13th. To hear demurrers and motions and other issues of law, and to settle and make up issues of law.
- 14th. To set causes for trial.
- 15th. To hear and determine applications for a change of place of trial, after appearance, or after time for appearance has expired, and enter a final order therein.
- 16th. To try and finally determine all causes in which the parties agree in writing to try the same before the judge at chambers.
- 17th. To enter defaults and to hear testimony thereon; and to enter judgment in default cases, where there has been

no appearance or plea filed within the time prescribed by statute, and to give such judgments the same force and effect as though entered in open court.

SEC. 2. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

SENATE BILL NO. 44.

AN ACT

TO AMEND SECTION 4144 OF THE REVISED STATUTES OF IDAHO AS AMENDED BY AN ACT ENTITLED "AN ACT PRESCRIBING THE MANNER OF SERVICE UPON FOREIGN CORPORATIONS, DOING BUSINESS IN THE STATE OF IDAHO HAVING NO DESIGNATED AGENT UPON WHOM SERVICE CAN BE HAD AS PROVIDED IN SECTION 2653 OF THE REVISED STATUTES OF IDAHO, APPROVED FEBRUARY 16, 1899," AMENDING SECTION 4144 OF SAID REVISED STATUTES AND ALSO SECTION 4145 OF THE REVISED STATUTES OF IDAHO CONCERNING THE SERVICE OF SUMMONS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 of the above recited act be amended so as to read as follows:

Section 4144. The summons must be served by delivering a copy thereon as follows:

First. If the suit is against a corporation formed under the laws of this State: To the president or other head of the corporation, secretary, cashier or managing agent thereof, *Provided*, That if such president, secretary, cashier or managing agent shall all have removed from or ceased to be resident of, or be absent more than thirty days from the State, then service may be made by delivering a copy of the summons and a copy of the complaint to the auditor of the county in which the principal business office of such corporation is located according to its articles of incorporation, in the same manner and with the same effect as though such service had been made upon any of the above mentioned officers or agents of such company. And it shall be the duty of such auditor to forward a copy of any such summons so served on him by registered

mail to any such officer or agent of such company whose address may be known to him, but no failure on the part of such auditor to mail such copy of summons shall effect the validity of the service thereof; *Provided*, That nothing herein contained shall be construed to prevent or invalidate the service of such summons upon any such officer or agent in any other county in which he may be found.

Second. If the suit is against a foreign corporation or a non-resident joint stock company, or association doing business and having a managing or business agent, cashier or secretary within this State to such agent, cashier or secretary or to any station, ticket or other agent of such corporation transacting business thereof, in the county where the action is commenced, and if there is no such agent in said county then service may be made upon any such agent in any other county.

Third. And wherever any foreign corporation or non-resident joint stock company or association shall not have any designated person actually residing in the county in which said corporation or joint stock company shall be doing business in this State upon whom process can be served as provided in section 2653 of the Revised Statutes of Idaho or when the agent of such company appointed as provided in said sections, shall have removed from or ceased to be a resident of or be absent more than thirty days from said county, then the auditor of said county, shall be and is hereby designated as the authorized agent of such corporation or joint stock association upon whom process issued by authority of or under any law of this State may be served with like effect as though said service were made upon the agent or person, appointed or designated as provided in section 2653 of the Revised Statutes of Idaho, and it shall be the duty of such auditor to forward a copy of any such summons so served on him, by registered mail, to the principal business office of such corporation, if the address of such office be known to him, but no failure on the part of such Auditor to mail such copy of summons shall effect the validity of the service thereof.

Fourth. If against a minor under the age of fourteen years residing within this State to such minor personally and also to his father, mother or guardian of if there be none in the State then to any person having the care or control of such minor or with whom he resides or in whose service he is employed.

Fifth. If against a person residing in this State who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs and for whom a guardian has been appointed to such person and also to his guardian.

Sixth. If against a county, city or town, to the chairman of the board of county commissioners, mayor, president or chairman of the council or trustees of other head of the legislative department thereof.

Seventh. In all other cases to the defendant personally or by leaving a copy thereof and a copy of the complaint in the cause at the usual place of abode of the defendant with a member of the family over the age of twenty-one years.

SEC. 2. Section 4145 of the Revised Statutes is hereby amended so as to read as follows:

Section 4145. When the person on whom the service is to be made resides out of the State or has departed from the State, or cannot after due diligence be found within the State or conceals himself therein to avoid the service of summons or is a foreign corporation having no managing or business agent, cashier or secretary within this State, and the fact appears by affidavit to the satisfaction of the court in which the suit is pending or to the judge or to the clerk thereof in vacation and it also appears by the verified complaint on file that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action such court or judge or the clerk in the vacation of the court may make an order for the publication of the summons, and an affidavit setting forth in ordinary and concise language any of the grounds as above set forth upon which the publication of the summons is asked for shall be sufficient without setting forth or showing what efforts have been made or what diligence has been exerted in attempting to find the defendant.

Approved March 13, 1907.

SENATE BILL NO. 103.

AN ACT

TO AMEND SECTION 5216 OF TITLE 7 OF THE CODE OF CIVIL PROCEDURE OF THE REVISED STATUTES OF IDAHO OF

1887, CONCERNING EMINENT DOMAIN, AND THE CONDEMNATION OF LANDS THEREUNDER, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5216 of title 7 of the Code of Civil Procedure of the Revised Statutes of Idaho of 1887 be, and the same is hereby amended so as to read as follows:

Section 5216. The complaint must contain:

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled plaintiffs:

2. The names of all owners and claimants of the property, if known or a statement that they are unknown, who must be styled defendants:

3. A statement of the right of the plaintiff:

4. If a right of way be sought, the complaint must show the location, general route and termini, and must be accompanied with maps thereof:

5. A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of an entire parcel or tract. All parcels lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties.

6. That in all cases where the owner of the lands sought to be taken resides in the county in which said lands are situated, a statement that the plaintiff has sought in good faith to purchase the lands so sought to be taken, or settle with the owner with the damages which might result to his property from the taking thereof, and was unable to make any reasonable bargain therefor, or settlement of such damages; but in all other cases these facts need not be alleged in the complaint, or proved.

SEC. 2. Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

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SENATE BILL NO. 68.

AN ACT

ESTABLISHING RULES OF PLEADING AND EVIDENCE IN ACTIONS FOR DAMAGES TO PERSON OR PROPERTY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. In all actions hereafter brought for damages for injury to person or property, contributory negligence is a matter of defense, and it is not necessary for the plaintiff to either plead or prove the negative of contributory negligence.

Approved March 13, 1907.

SENATE BILL NO. 30.

AN ACT

TO AMEND SECTION 14 OF AN ACT ENTITLED, "AN ACT TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTIONS, AND PRESCRIBE THE DUTIES OF THE SAME," APPROVED FEB. 17, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 14 of "An act to establish the office of county superintendent of public instructions, and prescribe the duties of the same," approved Feb. 17, 1899, be amended to read as follows:

Section 14. The county superintendent shall be allowed all necessary expenses incurred in the examination of teachers for blanks, books, stationery, pens, ink, and assistants, not to exceed two in number, who shall receive as compensation four (\$4.00) dollars per day, such expenses to be paid out of the current expense fund of the county.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1907.

SENATE BILL NO. 23.

AN ACT

TO REQUIRE RAILROAD COMPANIES TO FENCE THEIR TRACKS AND MAINTAIN CROSSINGS AND CATTLE

GUARDS, AND TO MAKE THEM RESPONSIBLE FOR DAMAGES AND THE EXPENSE OF SUCH FENCING UPON FAILURE TO DO SO, AND REPEALING AN ACT ENTITLED "AN ACT RELATING TO THE KILLING OF LIVESTOCK BY RAILROAD COMPANIES OR CORPORATIONS, DEFINING THE PROOF REQUIRED IN AN ACTION FOR DAMAGES THEREFOR TO ESTABLISH NEGLIGENCE ON THE PART OF THE RAILROAD COMPANY OR CORPORATION, AMENDING SECTION 2680 OF THE REVISED STATUTES OF THE STATE OF IDAHO," APPROVED MARCH 7, 1901.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Every railroad company operating any steam or electric railroad in this State, shall erect and maintain lawful fences not less than four feet high on each side of its road where the same passes through, along or adjoining enclosed or cultivated fields or enclosed lands, with proper and necessary openings and gates therein, and farm crossings; and also construct and maintain cattle guards at all highway crossings where fences are required as aforesaid, suitable and sufficient to prevent horses, cattle, mules or other animals from getting on the railroad.

Until such fences, openings, gates, farm crossings and cattle guards shall be duly made and maintained, such corporation shall be liable to pay all damages which shall be done by its agents, engines or cars, to horses, cattle, mules or other animals on said road, or by reason of any horse, cattle, mule or other animals escaping from or coming upon said lands, fields or enclosures occasioned in either case by the failure to construct or maintain such fences or cattle guards, regardless of whether the persons operating or in charge of such engines or cars were negligent or not.

But after such fences, gates, farm crossings and cattle guards shall be duly made and maintained, such corporation shall not be liable for any such damages unless negligently or wilfully done. If any corporation aforesaid fail, neglect or refuse for and during the period of three months after the completion of its road through or along the fields or enclosures hereinbefore named, to erect and maintain any fence, opening gates, farm crossings or cattle guards as herein required, and after having received not less than thirty days' notice requiring them so to do, then the owner of such fields or enclosures may erect and maintain such fences, opening gates, farm crossings and cattle guards, and shall thereupon

have a right to sue and recover from such corporation in any court of competent jurisdiction, the full value of the same; *Provided*, That no recovery can be had on account of stock injured or killed which came upon said highway by reason of failure to keep such gates closed.

SEC. 2. It shall be the duty of every railroad company whose line runs through or across any desert or other unoccupied territory to keep and maintain suitable crossings and cattle guards wherever any public highway or publicly traveled road crosses the same, and to place gates at convenient intervals not exceeding four miles apart, for the crossing of the same wherever there are no roads within such distances.

SEC. 3. Any person claiming damages under this act must serve notice of their claim in writing and signed by such person, or his authorized agent, upon the nearest station agent of such railroad company within thirty days after the alleged damage is done, and all suits for such damages must be commenced and summons served therein within six months after service of such notice.

SEC. 4. In all suits under this act, if the plaintiff recover any damages, he shall also be entitled to recover reasonable attorneys' fees not exceeding ten per cent upon the amount recovered, together with his costs of suit.

SEC. 5. An act relating to the killing of livestock by railroad companies or corporations, defining the proof required in an action for damages therefor, to establish negligence on the part of the railroad company or corporation, amending section 2680 of the Revised Statutes of Idaho approved March 7, 1901, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. An emergency existing, this act shall take effect and be in force from and after its passage.

Approved March 13, 1907.

SENATE BILL NO. 75.

AN ACT

TO AMEND SECTION FIVE OF AN ACT ENTITLED "AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS," APPROVED FEBRUARY 26, 1891.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5 of an act entitled, "An act to regulate the sale of intoxicating liquors," approved February 26, 1891, be and the same is hereby amended to read as follows:

Section 5. Any wife, mother, father, son, daughter or sister of a person who is a habitual drunkard, or in the habit of getting intoxicated, or the county commissioners, or the mayor of any city, or any county officer, may make complaint to any justice of the peace of the precinct where such person resides or may be staying, or to the probate judge of the county where such person resides or may be staying, alleging the name of such person, the fact of his being an habitual drunkard, or in the habit of getting intoxicated, and the name or names of the person or persons from whom the person having such habits obtains his liquor, as such relative or officer believes, which complaint shall be verified by the person making the same; whereupon such justice of the peace or said probate judge shall issue a notice in writing to such person or persons so named, notifying him or them that no intoxicating liquors of any kind must be sold or given away by him or them, or at his or their place or places of business, to such person having such habit, and which notice must at once be served upon such person or persons as summons are served from justice courts. After the service of such notice, if any person or persons so notified shall sell, give away, or permit any person at his place of business to sell or give away any intoxicating liquor to such person about whom he or they have received notice as aforesaid, his or their license to sell liquor shall from that time be deemed and held to be cancelled and annulled; and said person, and each of said persons, if more than one, shall be guilty of a misdemeanor and be liable in a civil action brought in the name or for the benefit of the person making such complaint, in the sum of two hundred dollars for each offense, and the wife, if there be one, may bring such suit without uniting her husband as a party to the action; *Provided*, In all cases the party making such complaint may cause the same to be published at least once a week for a period of four weeks in a newspaper published in such county, and upon such notice all persons having notice of the publication of such notice, whether engaged in such business or not, who shall sell, give away or furnish such intoxicating liquors to such habitual drunkard, or person who is in the habit of getting intoxicated, within the provisons of this act shall be guilty of a misdemeanor; and,

Provided further, That any person having actual knowledge or notice that any person is such an habitual drunkard or in the habit of getting intoxicated, and that notice thereof has been served upon any liquor dealer included within the terms of this act by either the methods of service hereinbefore provided for, then any such person who shall sell, give away or furnish to any such habitual drunkard or person who is in the habit of getting intoxicated, any intoxicating liquors shall be guilty of a misdemeanor; *Provided further*, That when such notice shall be served upon any individual, firm or corporation engaged in the sale of intoxicating liquor, it shall be the duty of such individual, firm or corporation to immediately post the same in a conspicuous place in his or their place or business, and upon failure so to do such person, firm, or the agent of such corporation having charge of the place of business of such corporation, shall be guilty of a misdemeanor.

Approved March 13, 1907.

SENATE BILL NO. 87.

AN ACT

TO PROVIDE FOR THE PRINTING OF THE JOURNAL OF THE TWO HOUSES OF THE LEGISLATURE, AND MAKING AN APPROPRIATION THEREFR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That before the assembling of the Legislature of the State of Idaho for the year 1909 and of each session thereafter, the Secretary of State shall provide in the same manner as for other public printing, for the printing of the journals of the two houses of the Legislature; they shall be printed in super royal octavo form, in neat 8 point type, with at least two thousand four hundred ems in a page, without any unnecessary leads, blank or broken lines or pages. Three hundred and fifty copies of the said journals shall be printed daily during the sessions of the Legislature in the same form as herein provided; said copies to be bound in pamphlet form without covers, and the portions of the journal of the Senate shall precede the portions of the journal of the House of Representatives in the pamphlets; and said pamphlets shall be placed daily, one on the desk of each Senator and member of the House of Representatives, and one to each

head of a department of the State government; and of those remaining, one-third shall be distributed by the members of the Senate under the direction of the Secretary of the Senate, and two-thirds shall be distributed by the members of the House of Representatives under the direction of the Clerk of the House; *Provided*, That as rapidly as possible the usual number of sheets, not exceeding two hundred and fifty, for the bound and permanent copies of the said journals shall be printed and retained for binding at such times as the indexes therefor are prepared and printed.

SEC. 2. There is hereby appropriated out of any fund not otherwise appropriated, the sum of one thousand dollars, to carry out the provisions of this act.

Approved March 13, 1907.

SENATE BILL NO. 104, SUBSTITUTE FOR SENATE BILL NO. 79.

AN ACT

TO AMEND SECTIONS 1, 3, 5, AND 6 OF AN ACT ENTITLED, "AN ACT TO SECURE TO THE SEVERAL COUNTIES OF THIS STATE INTEREST ON COUNTY MONEYS BY DEPOSITING THE SAME IN BANKS; DEFINING THE DUTIES OF THE BOARD OF COUNTY COMMISSIONERS AND COUNTY TREASURER IN RELATION THERETO, PRESCRIBING THE SECURITY TO BE GIVEN AND PROVIDING FOR THE APPROVAL THEREOF, PRESCRIBING PENALTIES FOR VIOLATION BY THE COUNTY TREASURER, OR BY ANY OTHER PERSON, OF THE PROVISIONS OF THIS OR ANY OTHER ACT RELATING TO THE DEPOSIT OF PUBLIC FUNDS AND PRESCRIBING PENALTIES FOR THE FAILURE ON THE PART OF THE TREASURER TO PERFORM THE DUTIES REQUIRED OF HIM BY THIS ACT, AND REPEALING ALL LAWS IN CONFLICT HEREWITH," APPROVED ON THE SIXTH DAY OF MARCH, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 of an act entitled, "An act to secure to the several counties of this State interest on county moneys by depositing the same in banks; defining the duties of the board of county commissioners and county treasurer in relation thereto; prescribing the security to be given and providing for the approval thereof; prescribing penalties for vio-

lation by the county treasurer, or by any other person, of the provisions of this or any other act relating to the deposit of public funds and prescribing penalties for the failure on the part of the treasurer to perform the duties required of him by this act, and repealing all laws in conflict herewith," approved on the 6th day of March, 1905, be and the same is hereby amended to read as follows:

Section 1. The county treasurer of each and every county of the State of Idaho shall deposit, and at all times keep on deposit, for safe keeping, in the state, national or private banks doing business in the county, and approved and responsible standing, the amount of moneys in his hands held by him as such county treasurer. And any such bank, located in the county, may apply for the privilege of keeping on deposit such moneys or some part thereof. All such deposits shall be subject to payments when demanded by the county treasurer on his check, and any bank receiving and holding any such deposit as aforesaid, shall be required to pay, and shall pay, to the county, for the privilege of holding the same, not less than two per cent per annum upon the amount so deposited as herein provided; subject, also, to such regulations as are imposed by law and the rules adopted by the county treasurer for receiving and holding such deposits.

The treasurer shall not give preference to any one or more banks applying to be made such depositories, as in this act provided, in the amount he may so deposit but shall keep deposited with each of the said banks such part of said moneys, so on deposit, as the par value of securities, or the penalty in the bond furnished by said bank is a part of the sum of all of the penalties of all the bonds and the par value of all the securities, so furnished by the banks so applying to be made such depositories, so that such moneys may at all times be deposited with said banks pro rata as to the penalty of the bond, or the par value of the securities furnished by them, respectively; *Provided*, The treasurer shall not have on deposit in any bank at any time more than the par value of the securities, nor more than three-fourths of the amount of the bond given by said bank; *Provided further*, That where a surety bond in some responsible surety company shall be furnished to the satisfaction and approval of the board of county commissioners, as hereinafter provided, the amount on deposit may equal, but shall not exceed ninety (90) per cent of the penalty of the bond; but in no case shall the amount

deposited by him in any bank exceed one hundred (100) per cent of its paid-up capital stock. The board of county commissioners of the several counties of this State shall at their regular meeting in April fix the rate of interest to be paid on such deposits, which shall be not less than the rate hereinbefore, in this act, established, and which rates, when so established, shall not be changed for such period of one year.

SEC. 2. Section 3 of the said act is hereby amended to read as follows:

Section 3. For the security of funds so deposited under the provisions of this act, the county treasurer shall require of all such depositories to deposit securities of the kind and character hereinafter described, or to give bonds for the payment of such deposits and the interest thereon. Said bonds, when given, shall run to the State of Idaho, and, together with the securities offered, are to be approved by the board of county commissioners. Said bonds shall be conditioned that the depository shall at the beginning of each and every month render to the treasurer and auditor a statement, in duplicate, showing the daily balance and the amount of money of the county held by it during the month preceding, and the amount of the interest thereon, and for the payment of the said deposit and the interest thereon, as hereinbefore provided, when demanded by the county treasurer on his check at any time, and, generally, to do and perform whatever may be required by the provisions of this act and a faithful discharge of the trust reposed in such depository. The said bond shall be in substance the same as that provided to be given by banks seeking to be made depositories of State funds, the necessary changes being made therein. No person in any way connected with any bank seeking to be made a depository, as owner, part owner, officer or stockholder, shall be accepted as a surety on any bond to be given by such bank under the provisions of this act for a greater amount than the assessed value of his real and personal property situated in the county, other than bank and corporation stocks, money notes and bonds, as shown by the last preceding annual assessment thereof, and deducting therefrom any and all liens and encumbrances thereon, and it shall be the duty of the county commissioners before accepting any such bond, to carefully examine the assessment rolls and the records and such other sources of information as may be available to ascertain the real financial worth of such surety or sureties.

Where the penalty of the bond exceeds ten thousand dollars, each surety may become severally liable for any sum less than the whole amount that he may specify that he stands for and in all such cases if there should be any default of the principal, each surety shall be held for the whole amount that he agreed to stand for but may compel his solvent co-sureties to contribute pro rata in the event that he pays for more than his share; *Provided*, That in all such cases the aggregate amount for which all the sureties stand good must be at least twenty-five per cent more than the penalty of the bond. Sureties shall be required to justify in double the amount for which each, respectively, becomes liable on said bond; in all other respects, the justification of sureties shall be as required by section 4934 of the Revised Statutes of Idaho. All bonds and securities, after approval, shall be deposited with and held by the county auditor. It shall be the duty of the prosecuting attorney to enter and prosecute to final determination all suits for the recovery of any penalty arising under the conditions of any bond required to be given by the provisions of this act. Said bond shall be deposited with the county auditor. Where there are no banks in said county, or where the banks in said county neglect or refuse to apply to be made depositories, as provided in this act, the said moneys shall be deposited in banks outside of the county, but within the State of Idaho, having sufficient capital stock, under the same conditions and terms as if in the county; and where the bank or banks in the county have not sufficient capital stock to receive said moneys under this act, moneys to the extent of one hundred per cent of the paid-up capital stock of said bank or banks, applying to be made depositories under the provisions of this act, shall be deposited with the said bank or banks in the county and the moneys remaining shall be deposited in banks outside of the county as is hereinbefore, in this section, provided.

SEC. 3. Section 5 of the said act is amended to read as follows:

Section 5. The word "bank" or "banks" whenever used in this act shall be held to include trust companies and the word "bonds" to include bonds furnished by surety companies authorized and qualified to do business in this State. The word "security" or "securities" shall be construed to include:

(a) United States bonds or obligations, or those for

which the faith of the United States is pledged to provide for the payment of the interest and principal, including the bonds of the District of Columbia.

(b) Bonds of the State of Idaho, or those for which the faith of the State of Idaho is pledged or for which the State of Idaho is ultimately liable.

(c) Bonds of the several counties, cities, villages, towns and school districts of the State of Idaho; warrants of the State of Idaho or warrants or interest bearing obligations of any county or city of the State of Idaho issued pursuant to the authority of any law of the State of Idaho for the payment of which the faith and credit of said county or city issuing them, are pledged.

(d) Bonds of any association, corporation or company approved by the board of governors of the New York Stock Exchange and listed on the New York Stock Exchange.

No security shall be approved unless their market value shall equal their par value nor where there has been default within three years in the payment of the principal or interest of any obligation issued by the same maker.

Upon payment to the county of the deposits and accrued interest for which security was given, it shall be returned to the bank furnishing the same, and when such securities can be conveniently segregated, the amount thereof may be reduced in proportion as such deposits shall be reduced or repaid to the county.

SEC. 4. Section 6 of said act is amended to read as follows:

SEC. 6. All personal bonds shall be investigated and the sufficiency of the same or the sureties thereon determined as often as once every six months and shall be renewed every two years. The board of county commissioners may cause an investigation to be made at any time to ascertain the sufficiency of any bond or security offered or given under this act and to require new or additional security whenever in their judgment the safety of any deposit of county moneys under this act requires it; and such deposit shall be withdrawn unless such new or additional security be given. Any expense incurred in carrying out the provisions of this act shall be audited by the board of county commissioners, and, when allowed, paid out of the current expense fund of the county. The county treasurer shall not be liable personally, or upon

his official bond for any moneys that may be lost by reason of the failure or insolvency of any bank which becomes a depository under this act. The board of county commissioners, or any person authorized by them in writing, may, during business hours, in the presence of the treasurer or his deputy or clerk, inspect and examine the books of account in the office of the treasurer, and all contracts, writings, securities and other papers belonging to the county or pertaining to the business thereof, held by the treasurer, and may inspect and count the moneys belonging to the county and the several funds thereof in the custody of the treasurer; and it is hereby made the duty of the treasurer to furnish all reasonable facilities for the purpose.

And it is the duty of every county treasurer to file a report in writing, verified by his affidavit, with the county auditor on the last business day of each and every month, showing exactly how much cash he has in the treasury and in what bank or banks deposited and if in more than one, how much in each, which reports shall be carefully examined by the board of county commissioners at the next regular session following the filing of the same and compared by them with the books of the treasurer at least twice a year, and if they shall find that the treasurer has wilfully made any false statement therein he may be suspended or removed from office.

SEC. 5. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

SENATE BILL NO. 78.

AN ACT

TO PROVIDE FOR DETERMINING HEIRSHIP AND TITLE TO ESTATES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. In all estates being administered, or that may hereafter be administered, and in cases of estates that have been heretofore administered and closed, leaving real estate, the title to which has not been determined by testament duly allowed and recorded, whether the owner of the

record title resided in this State or otherwise; also, in cases where real estate has been left by any deceased person, whether a resident of this State or elsewhere, where no proceedings have been had in this State for the administration of such estate; any person claiming to be heir to the deceased or entitled to distribution in full or in any part of such estate, or otherwise interested therein, may, at any time after the expiration of one year from the issuing of letters testamentary or of administration upon such estate in cases of administration either had, or hereafter to be had, and within one year after the death of the owner of the record title to such real estate in other cases, file, in the probate court of the county where such estate had been or is being administered, or in such other cases in the probate court of any county wherein any such real estate is situated, a petition in the matter of such estate, praying the court to ascertain and declare the rights of all persons to said estate and all interests therein, and to whom distribution thereof should be made. Upon the filing of such petition, the court shall make an order directing service of notice to all persons interested in said estate to appear and show cause, on a day to be therein named, not less than sixty days nor over four months from the date of the making of such order, in which notice shall be set forth the name of the deceased, the name of the executor or administrator of said estate, the names of all persons who may have appeared claiming any interest in said estate in the course of the administration of the same, up to the time of the making of said order, and such other persons as the court may direct, and also a description of the real estate whereof said deceased died seized or possessed, so far as known, described with certainty to a common intent, and requiring all said persons, and all persons named or not having or claiming any interest in the estate of said deceased, at the time and place in said order specified, to appear and exhibit, as hereinafter provided, their respective claims of heirship, ownership, or interest in said estate, to said court, which notice shall be served in the same manner as a summons in a civil action, upon proof of which service, by affidavit or otherwise, to the satisfaction of the court, the court shall thereupon acquire jurisdiction to ascertain and determine the heirship, ownership, and interest of all parties in and to the property of said deceased, and such determination shall be final and conclusive in the administration of said estate, and the title and ownership of said property.

SEC. 2. The court shall enter an order or decree establishing proof of the service of such notice. All persons appearing within the time limited, as aforesaid, shall file their written appearance in person or through their authorized attorney, such attorney filing at the same time written evidence of his authority to so appear, entry of which appearance shall be made in the minutes of the court and in the register of proceedings of said estate. And the court shall, after the expiration of the time limited for appearing as aforesaid, who shall not have appeared as aforesaid.

SEC. 3. At any time within twenty days after the date of the order or decree of the court establishing proof of the service of such notice, any person so appearing may file his complaint in the matter of the estate, setting forth the facts constituting his claim of heirship, ownership, or interest in said estate with such reasonable certainty as the court may require, and serve a copy of the same upon each of the parties or attorneys who shall have entered their written appearance as aforesaid, if such parties or such attorneys reside within the county; and in case any of them do not reside within the county, then service of such copy of said complaint shall be made upon the clerk of said court for them, and the clerk shall forthwith mail the same to the address of such party or attorney as may have left with said clerk his postoffice address.

SEC. 4. Such parties are allowed twenty days after the service of the complaint, as aforesaid, within which to plead thereto, and thereafter such proceedings shall be had upon such complaint as in this code provided in case of an ordinary civil action; and the issues of law and of fact arising in the proceeding shall be disposed of in like manner as issues of law and fact are herein provided to be disposed in civil actions: *Provided however*, That all appeals herein must be taken within sixty days from the date of the entry of the judgment or the order complained of.

SEC. 5. The party filing the petition as aforesaid, if he file a complaint, and if not, the party first filing such complaint, shall, in all subsequent proceedings, be treated as the plaintiff therein, and all other parties so appearing shall be treated as the defendants in said proceedings, and all such defendants shall set forth in their respective answers the facts constituting their claim of heirship, ownership, or interest in said estate with such particularity as the court may require, and

serve a copy thereof on the plaintiff. Evidence in support of all issues may be taken orally or by deposition, in the same manner as provided in civil actions.

SEC. 6. Notice of the taking of such depositions shall be served upon the parties, or the attorneys of the parties, so appearing in said proceeding. The court shall enter a default of all persons failing to appear, or plead, or prosecute, or defend their rights as aforesaid; and upon a trial of the issues arising upon the pleadings in such proceeding, the court shall determine the heirship to said deceased, the ownership of his estate, and the interest of each respective claimant thereto or therein, and persons entitled to distribution thereof, and the final determination of the court thereupon shall be final and conclusive in the distribution of said estate, and in regard to the title to all the property of the estate of said deceased.

SEC. 7. The cost of the proceedings under this section shall be apportioned in the discretion of the court. In any proceeding under this section, the court may appoint an attorney for any minor mentioned in said proceedings not having a guardian. Nothing in this section contained shall be construed to exclude the right upon final distribution of any estate to contest the question of heirship, title, or interest in the estate so distributed, where the same shall not have been determined under the provisions of this section; but where such question shall have been litigated, under the provisions of this section, the determination thereof as herein provided shall be conclusive in the distribution of said estate.

SEC. 8. If it shall appear on the trial of any matter under this act that the estate of any deceased owner of any of the property affected thereby has been probated in any other state or territory, or foreign country, or that any probate proceedings in said estate have been theretofore had in any other county of this State, any final order or decree entered in any such proceedings either in this State, or any other State, or in any foreign country may be shown in evidence by a duly certified copy thereof, and the same shall have full faith and credit and the determination of the court in such matter shall be in accordance therewith, anything in this act to the contrary notwithstanding: *Provided however*, That this shall not prevent any person interested in any such property from showing that the court which rendered the decree or order shown by such certified copy had no jurisdiction to render the same.

SEC. 9. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

Approved March 13, 1907.

HOUSE BILL NO. 240.

AN ACT

TO AMEND SECTION 30 OF AN ACT APPROVED MARCH 6, 1905, AND ENTITLED, "AN ACT REGULATING THE MANUFACTURE AND SALE OF DAIRY, FOOD AND OIL PRODUCTS, TO PREVENT DECEPTION OR FRAUD IN THE SALE OF SAME OR IMITATION THEREOF; CREATING A STATE BOARD OF DAIRY, FOOD AND OIL COMMISSIONERS AND DEFINING THEIR DUTIES; PROVIDING FOR THE APPOINTMENT OF A STATE CHEMIST AND DEFINING HIS DUTIES; PROVIDING FOR STANDARDS OF STRENGTH AND PURITY OF DAIRY, FOOD AND OIL PRODUCTS; PROVIDING PENALTIES FOR VIOLATION OF THIS LAW; AND MAKING AN APPROPRIATION."

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 30 of an act entitled, "An act regulating the manufacture and sale of dairy, food and oil products, to prevent deception or fraud in the sale of the same or imitation thereof; creating a State Board of Dairy, Food and Oil Commissioners and defining their duties; providing for the appointment of a State Chemist and defining his duties; providing for standards of strength and purity of dairy, food and oil products; providing penalties for violation of this law; and making an appropriation," be and the same hereby is amended to read as follows:

Section 30. The State Board of Dairy, Food and Oil Commissioners shall have power to appoint a State Chemist who shall receive a salary of two thousand (\$2,000.00) dollars per annum, which shall be paid from any funds in the treasury of the State of Idaho, not otherwise appropriated, and who shall hold office at the will of the board.

SEC. 2. Whereas, an emergency exists therefor, this act shall take effect from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 75.

AN ACT

PROVIDING FOR THE SUCCESSION TO AND DISTRIBUTION OF SEPARATE AND COMMUNITY PROPERTY WHEN THE OWNER THEREOF DIES INTESTATE, AMENDING SECTION 5702, REVISED STATUTES OF IDAHO OF 1887, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5702 of chapter 14, title 10, of the Revised Statutes of Idaho of 1887, be amended to read as follows:

Section 5702. When any person having title to any estate not otherwise limited by marriage contract, dies without disposing of the estate by will, it is succeeded to and must be distributed, unless otherwise expressly provided in this Code, subject to the payment of his debts, in the following manner:

1. If the decedent leave a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband or wife and child, or issue of such child. If the decedent leave a surviving husband or wife and more than one child living, or one child living and the lawful issue of one or more deceased children, one-third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child by right of representation; but if there be no child of the deceased living at his death, the remainder goes to all of his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation. If the decedent leave no surviving husband or wife, but leave issue, the whole estate goes to such issue; and if such issue consists of more than one child living, or one child living and the lawful issue of one or more deceased children, then the estate goes in equal shares to the children living or to the child living, and the issue of the deceased child or children by right of representation.

2. If the decedent leaves no issue, the estate goes, one half to the surviving husband or wife, and the other half to the decedent's father and mother in equal share, and if either be dead, the whole of said half goes to the other. If the dece-

dents leave no issue, nor husband, nor wife, the estate must go to his father and mother, in equal shares, or if either be dead, then to the other.

3. If there be neither issue, husband, wife, father, nor mother, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister by right of representation.

4. If the decedent leave a surviving husband or wife and neither issue, father nor mother, the whole estate goes to the surviving husband or wife.

5. If the decedent leave neither issue, husband, wife, father, mother, brother nor sister, the estate must go to the next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote.

6. If the decedent leave several children, or one child and the issue of one or more children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance, from such decedent descends in equal shares to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

7. If at the death of such child, who dies under the age, not having been married, all the other children of his parents are also dead, and any of them have left issue, and the estate that came to such child by inheritance from his parents descends to the issue of all other children of the same parents; and if all the issues are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

8. If the decedent be a widow or widower and leave no kindred, and the estate, or any portion thereof, was common property of such decedent, and his or her deceased spouse, while such spouse was living, such common property shall go to the father and mother of such deceased spouse, in equal shares, or if either be dead, then to the other. If there be no father nor mother, then such property shall go to the brothers and sisters of such deceased spouse, in equal shares, and to the lawful issue of any deceased brother or sister of such deceased spouse, by right of representation.

9. If the decedent leave no husband, wife or kindred, and there be no heirs to take his estate, or any portion thereof, under subdivision eight, of this section, the same shall be paid into the State treasury for the support of common schools.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed, and whereas an emergency exists therefor, this act shall be in force from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 208.

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO ESTABLISH A UNIFORM STANDARD OF WEIGHTS AND MEASURES; TO PROVIDE FOR A STATE SEALER AND INSPECTOR FOR THE SAME; PROVIDING PENALTIES FOR VIOLATING THE PROVISIONS OF THIS ACT, AND MAKING AN APPROPRIATION," APPROVED ON THE SIXTH DAY OF MARCH, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2 of an act entitled "An act to establish a uniform standard of weights and measures; to provide for a State Sealer and Inspector for the same; providing penalties for violating the provisions of this act and making an appropriation," be and the same is hereby amended to read as follows:

Section 2. That the dairy food and oil inspector shall be ex-officio inspector and sealer of weights and measures and shall have the care and custody of the authorized public standards of weights and measures. He shall as often as may be necessary prove by such standard all weights and measures, scales and beams, which may be in the possession of any person, persons, firm or corporation doing business within the State, and shall seal such when found to be accurate, by stamping on them the letter "I," which seal he shall have and keep for that purpose. He is hereby empowered to enter into any place of business or other places, during business hours, where such scales, beams or measures are kept or are being used, for the purpose of inspecting and testing the same.

Approved March 13, 1907.

HOUSE BILL NO. 106.

AN ACT

ENTITLED AN ACT TO AMEND SECTION 45 OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS," APPROVED FEBRUARY 6, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 45 of an act entitled "An act to establish and maintain a system of free schools," approved February 6, 1899, be, and the same is hereby amended to read as follows:

Section 45. It shall be the duty of the trustees of each district to employ teachers on written contract but before such contract can be legally signed it shall be the duty of the teacher to exhibit his or her certificate to the board of trustees; and it shall be the duty of the trustees to file a copy of such contract with the county superintendent; to fix, allow and order paid the salaries and compensation of such teachers, and to discharge the same; to fix the compensation of the clerk of the board, and determine the rate of tuition of non-resident pupils; *Provided*, That any pupil or pupils of the eighth grade or if high school qualifications of any district shall be eligible to attend any high school within his county without paying tuition but the county superintendent shall transfer from the district to which said pupil or pupils belong, to the district holding the high school attended, a sum of money bearing the same proportion to the amount of money received by the district during the year, as said pupil or pupils bear to the total school census of the district in which said pupil or pupils belong.

The trustees shall have power to discharge any teacher for neglect of duty, or for any cause that in their opinion renders the services of such teacher unprofitable to the district; but no teacher shall be discharged before the end of his or her term without a reasonable hearing. The trustees may not contract to compel teachers to make up time while attending any annual county or joint institute. Any two of such trustees shall constitute a quorum for the transaction of business.

The trustees shall have charge of all school property in their district and shall have the power to receive in trust all real estate or other property conveyed to said school district; and to convey by deed duly executed or delivered, all the estate

or interest of their district in any school house or site directed to be sold by vote of their district; and all conveyance made to said board must be made in their corporate name to-wit:

To trustees of School District No.....County..... State of Idaho. Said trustees have further power when directed by a vote of their district to build or remove school houses, to purchase, receive, hold and convey real and personal property for school purposes, and to hold, purchase and repair school houses and to supply the same with necessary furniture and to fix the location of school houses: *Provided*, That a school house already built shall not be removed, nor a new site for school house be designated, except when directed by a two-thirds vote of the electors of said district at an election held for that purpose, which election may be a special or general school election: *Provided*, That no trustee shall be pecuniarily interested in any contract made by the board of trustees, of which he is a member, and any contract made in violation of this section is null and void. The trustees of the respective districts must furnish all things, not herein provided for, necessarily for the comfort and use of their district, such as janitor service, fuel, improvements, maps and apparatus, and library, and for such purpose may audit and allow accounts against the school fund of their district, not to exceed twenty-five per cent of the amount of such school fund in any one year: *Provided*, That at least three per cent of the moneys annually appropriated to any district shall be applied by the trustees for the maintenance of a school library, selections of books for which being made from a list of books furnished to each district and compiled by the State Board of Education.

The board of trustees shall keep the library in a suitable case at the school house, shall keep a list of all books in the library, loan the books to pupils and patrons within the district for a period not to exceed four weeks at any one time, hold patrons, parents or guardians to strict accountability for books loaned, requiring them to replace the same in event of loss, or spoilation, report to the county superintendent the number of books purchased during the year, the number of books lost and other information required by the county superintendent and for the further good of the library make all needed rules and regulations: *Provided further*, That the trustees shall not draw an order for a warrant in excess of the amount to the credit of the district at the time the order is given. It shall

be the duty of the clerk of the board of trustees of each district to keep a record of the transactions of his district in a book furnished by the county superintendent, the form of which shall be prescribed by the State Superintendent; said records so kept must show all the data and information required in said books to be shown by the forms thereof; and the trustees of each district must make a full report in writing annually on the first day of September to the county superintendent of their county, on blanks furnished, which shall be exact copies of the pages of the book herein required to be kept together with such matters pertaining to schools as may be required of them by the State Superintendent. It is the duty of the trustees of the respective districts on receiving a report from any teacher of the disorderly conduct of any pupil to decide how said insubordinate pupil shall be punished or whether he or she shall be dismissed from school and the teacher must enforce the decisions so made. The clerk of the board of trustees must on the first Tuesday of September of each year proceed to enumerate the children of school age in his district and he must not enumerate any except bona fide residents thereof and the board of trustees must cause a true and certified copy of said census to be transmitted to the county superintendent.

School age, as herein used is defined as applying to all persons between the ages of six and twenty-one years. For said services said clerk shall be allowed as full compensation therefor five cents for each child so enumerated, and the chairman of the board of trustees shall draw his order upon the county auditor which must be countersigned by, at least, one other member of the board of said district for the amount so allowed, and it must be charged against and paid out of the fund of said district.

Approved March 13, 1907.

HOUSE BILL NO. 96.

AN ACT

TO AMEND SECTION 42 OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS," APPROVED ON THE SIXTH DAY OF MARCH, 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 42 of the above entitled act be amended to read as follows:

Section 42. The regular election for electing members of the board of trustees shall be held annually in each district on the first Saturday in April, at which time it shall be lawful to transact any business pertaining to the schools and school interests.

The clerk of the said board of trustees shall cause printed or written notices to be posted specifying the time and place of holding such election and the time during which the ballot box shall be kept open, not less however, than three hours, and further specifying at what hour other business shall be transacted.

Said notices shall be posted in three public places in the district, one of which places shall be the district school house, at least ten days previous to such time of election.

If the clerk fails to give such notice, then any two legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed herein for such election. All elections shall be by ballot, the polls shall be opened by one of the board of trustees, or by any qualified elector if no trustee be present at the time specified in the notice. If no time is specified in the notice, then the polls shall be opened at one o'clock p. m. and closed at five o'clock p. m. on the same day. Said election shall be conducted as any other county election, except that one judge and one clerk may constitute the board of election, and any trustee may administer the oath to said judge and clerk. Said judge and clerk shall make return of such election to the county superintendent immediately, which return shall be filed in the office of the county superintendent.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1907.

HOUSE BILL NO. 193. SUBSTITUTE FOR 155.

AN ACT

RELATING TO THE POWERS OF COUNTY COMMISSIONERS
OVER TAXATION AND AMENDING SECTION 149 OF AN
ACT ENTITLED "AN ACT RELATING TO REVE-

NUE, PROVIDING FOR THE PAYMENT OF AN AD VALOREM TAX FOR STATE PURPOSES; PROVIDING WHAT PROPERTY IS TAXABLE FOR STATE, COUNTY, CITY, TOWN, VILLAGE, AND INDEPENDENT SCHOOL DISTRICT PURPOSES; AND MAKING EXEMPTIONS THEREFROM; PROVIDING THE MANNER OF ASSESSING, EQUALIZING, COLLECTING, AND ENFORCING THE SAME; PRESCRIBING THE DUTY AND POWERS OF OFFICERS IN RELATION TO THE ASSESSMENT, EQUALIZATION, COLLECTION AND DISBURSEMENT OF REVENUES, AND FIXING PENALTIES FOR FAILURE TO EXECUTE THE SAME; REPEALING AN ACT ENTITLED "AN ACT RELATING TO REVENUE, ETC.," APPROVED FEBRUARY 16, 1899, AND ALL OTHER ACTS AND PARTS OF ACTS INCONSISTENT WITH THE PROVISIONS HEREOF," APPROVED MARCH 22, 1901.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 149 of an act entitled "An act relating to revenue, providing for the payment of an ad valorem tax for State purposes, providing what property is taxable for State, county, city, town, village and independent school district purposes, and making exemptions therefrom; providing the manner of assessing, equalizing, collecting, and enforcing the same; prescribing the duty and powers of officers in relation to the assessment, equalization, collection and disbursement of revenues, and fixing penalties for failure to execute the same; repealing an act entitled "An act relating to revenue, etc.," approved February 16, 1899, and all other acts and parts of acts inconsistent with the provisions hereof," approved March 22, 1901, be amended to read as follows:

Section 149. All taxes included in the delinquent roll, charged on account of double assessments, property erroneously assessed, or which, by reason of any bona fide error of the assessor, or which for any lawful reason should not be collected, and which has not been heretofore deducted, shall be reported to the board of county commissioners at their first regular meeting after the settlement of the tax collector with the auditor, and if the said board is satisfied that the same should not be collected, they shall order the auditor to cancel the same upon said roll; and thereupon the auditor, after cancelling each of such items on said delinquent roll, shall credit the assessor with the amount of all such cancellations in his property tax account with the county. The county commis-

sioners of the various counties in the State of Idaho shall have power to refund to the tax payer any money to which he may be entitled by reason of the taxes upon property having been paid twice for the same year, or any moneys to which any tax payer may be entitled by reason of the double assessment or erroneous assessment of property through clerical or other errors or where in the judgment of the county commissioners the assessment upon property was so grossly over estimated that the same was a mistake. The said money to be refunded by warrants drawn on the current expenses fund of the county. The county commissioners shall also have power to refund in the same manner money paid by any purchaser of property at a delinquent tax sale where it is afterwards found that the property purchased has been erroneously sold or the sale thereof is void. In cases where property sold as delinquent is bought by the county and where the value of said property has become so uncertain as to make the collection of the taxes and other charges thereon doubtful, the county commissioners are authorized to compromise the taxes and other charges at a less amount than the full sum due, as in their judgment may be deemed wise.

Approved March 13, 1907.

HOUSE BILL NO. 135.

AN ACT

PROVIDING FOR THE SUCCESSION TO AND DISTRIBUTION OF COMMUNITY PROPERTY ON THE DEATH OF EITHER HUSBAND OR WIFE, AMENDING SECTION 5713 OF THE REVISED STATUTES OF IDAHO, AND REPEALING SECTION 5712 OF SAID REVISED STATUTES, AND ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5713 of the Revised Statutes of Idaho, be, and the same hereby is, amended to read as follows:

Section 5713. Upon the death of either husband or wife, one-half of the community property shall go to the survivor, subject to the community debts, and the other half shall be subject to the testamentary disposition of the deceased hus-

band or wife, subject also to the community debts. In case no testamentary disposition shall have been made by the deceased husband or wife of his or her half of the community property, it shall descend equally to the legitimate issue of his, her or their bodies, if there be no issue of said deceased living, or none of their representatives living, then the said community property shall all pass to the survivor, to the exclusion of collateral heirs, subject to the community debts, the family allowance, and the charges and expenses of administration.

SEC. 2. That section 5712, of the Revised Statutes of Idaho, is hereby repealed, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1907.

HOUSE BILL NO. 185.

AN ACT

REQUIRING RAILWAY CORPORATIONS TO GIVE NOTICE THROUGH THEIR DISPATCHES, AGENTS AND OPERATORS, OF DELAYED TRAINS PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. All railway corporations operating in the State of Idaho shall, upon the arrival of delayed passenger trains at the first division terminal within the confines of this State, notify by telgraph every station on the line of the road within this State, how much the said passenger train is delayed. Upon the arrival of the said delayed passenger train at each succeeding division terminal, or stations where train dispatchers are located, it shall be the duty of the dispatcher or telegraph operator at each terminal or office to notify every telegraph station on the line of the road, not yet reached by such train, how much the said train is delayed.

SEC. 2. Every operator, agent or person in charge of the telegraph station, shall post a notice in a conspicuous place in the station or waiting room, and when such telegraph station is connected by telephone with the central telephone exchange in any town or city, he shall promptly notify such central exchange how late the delayed train is running.

SEC. 3. Every operator, dispatcher, agent, or person in charge of a telegraph station who shall fail, neglect or refuse to post such notice correctly, or to advise such telephone exchange promptly, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not to exceed twenty-five dollars for each offense.

SEC. 4. Any railway corporation that shall violate the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not to exceed one hundred dollars for each offense.

Approved March 13, 1907.

HOUSE BILL NO. 131.

AN ACT

AUTHORIZING THE STATE AUDITOR TO ISSUE DUPLICATE WARRANTS IN CASE OF THE LOSS OF ANY WARRANT ISSUED BY HIM AND FOR AN INDEMNITY BOND UPON SUCH ISSUANCE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. In case of the loss or destruction of any warrant heretofore issued or that may be issued by the Auditor of the State of Idaho, in payment of any claim against the State of Idaho, the State Auditor is hereby authorized to issue his duplicate warrant to take the place of the warrant so lost or destroyed upon satisfactory proof by affidavit of the loss of the said warrant: *Provided*, That in case of the issuance of any such duplicate warrant the Auditor shall require an indemnity bond in not less than double the amount of the warrant lost, conditioned upon the payment to the State of Idaho of any loss or damage or obligation by reason of the said lost warrant becoming a claim against the State; and, *Provided further*, That it shall be the duty of the State Auditor to notify the State Treasurer of the issuance of the said duplicate warrant that payment may be stopped upon the warrant so lost.

SEC. 2. An emergency existing therefor this act shall be in force and effect from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 121.

AN ACT

TO AMEND AN ACT, ENTITLED, "AN ACT TO AMEND AN ACT, ENTITLED: AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, APPROVED FEBRUARY 9, 1881," AND TO AMEND AN ACT ENTITLED "AN ACT SUPPLEMENTARY TO AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, 'APPROVED FEBRUARY 9, 1881," APPROVED FEBRUARY 10, 1881, AND TO AMEND AN ACT ENTITLED: "AN ACT TO AMEND AN ACT, ENTITLED: 'AN ACT TO AMEND SECTION 7, (CONCERNING STREETS AND SIDEWALKS, SEWERS, AND SPECIAL TAXES THEREFOR), OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON," APPROVED FEBRUARY 9, 1881, BY ADDING THERETO AUTHORITY TO GRADE, CURB, GUTTER, PAVE, MACADAMIZE, OR PLANK STREETS AND ALLEYS AND AUTHORITY TO LEVY AND COLLECT SPECIAL ASSESSMENTS, UPON THE PROPERTY TO BE BENEFITED BY SUCH IMPROVEMENTS, AND ANY IMPROVEMENTS PROVIDED BY SAID SECTION 7, AND PROVIDING ANY IMPROVEMENTS PROVIDED FOR UNDER SECTION 7, PROVIDING FOR THE COLLECTION THEREOF, UPON THE PROPERTY BENEFITED," APPROVED MARCH 6, 1899, AND TO AMEND AN ACT ENTITLED: "AN ACT TO AMEND SECTION 20, (CONCERNING BORROWING MONEY AND LIMITATION OF INDEBTEDNESS), OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON," APPROVED FEBRUARY 9, 1881, AS AMENDED BY AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED: 'AN ACT TO AMEND AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON," APPROVED FEBRUARY 10, 1881, AS AMENDED ALSO BY AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED: 'AN ACT AUTHORIZING THE CITY OF LEWISTON TO INCUR CERTAIN INDEBTEDNESS, PROVIDING THE PURPOSE FOR WHICH IT SHALL BE INCURRED, AND FIXING THE LIMIT THEREOF, PROVIDING FOR THE ISSUANCE OF BONDS FOR THE PAYMENT OF SUCH OR ANY EXISTING INDEBTEDNESS, AMENDING AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF LEWISTON," APPROVED FEBRUARY 9, 1881, "APPROVED FEBRUARY 9, 1899, BY INCREASING THE CAPACITY OF THE SAID CITY, TO BORROW MONEY, DE-

FINING THE PURPOSE FOR WHICH THE SAME MAY BE BORROWED, AND AUTHORIZING SAID CITY TO ISSUE THEREFOR, ITS NEGOTIABLE BONDS, WITH NEGOTIABLE INTEREST COUPONS ATTACHED AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS, APPROVED MARCH 6, 1899," AND TO AMEND AN ACT, ENTITLED: 'AN ACT TO AMEND SECTION 4, (CONCERNING THE FIRE DEPARTMENT, TAXES FOR AND FIRE HYDRANTS) OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, APPROVED FEBRUARY 9, 1881," AS AMENDED BY AN ACT OF THE LEGISLATURE OF THE TERRITORY OF IDAHO, ENTITLED: 'AN ACT TO AMEND AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON," APPROVED FEBRUARY 10, 1881, BY EXTENDING THE POWER OF SAID CITY TO REGULATE THE ERECTION OF WOODEN BUILDINGS, WITHIN THE FIRE LIMITS, ENTRANCES AND EXITS AND FIRE ESCAPES,' APPROVED MARCH 6, 1899, AND TO AMEND AN ACT, ENTITLED, "AN ACT TO AMEND SECTION 3, OF 'AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, APPROVED FEBRUARY 9, 1881,' BY ADDING TO SAID SECTION 3, A PROVISION ENABLING THE CITY OF LEWISTON, IDAHO, TO LEVY A TAX FOR THE PURPOSE OF READING ROOM AND LIBRARY, IN ADDITION, IF NECESSARY, TO THE ONE AND ONE-HALF PER CENT, PER ANNUM, ANNUALLY ON THE PROPERTY ASSESSED," APPROVED MARCH 13, 1899, AND AN ACT TO AMEND AN ACT, ENTITLED: "AN ACT PROVIDING FOR THE LIGHTING OF THE CITY OF LEWISTON, AND FOR THE LEVYING AND COLLECTING OF A TAX THEREFOR; AMENDING SECTIONS 6, 81, 82 AND 83, OF AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, APPROVED FEBRUARY 9, 1881," APPROVED FEBRUARY 14, 1899, AND TO AMEND AN ACT, ENTITLED: "AN ACT AUTHORIZING THE CITY OF LEWISTON TO INCUR CERTAIN INDEBTEDNESS, PROVIDING THE PURPOSE FOR WHICH IT SHALL BE INCURRED, AND FIXING THE LIMIT THEREOF; PROVIDING FOR THE ISSUANCE OF BONDS, FOR THE PAYMENT OF SUCH OR ANY EXISTING INDEBTEDNESS; AMENDING AN ACT, ENTITLED: 'AN ACT TO AMEND THE CHARTER OF LEWISTON,' APPROVED FEBRUARY 9, 1881, AND TO AMEND AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF LEWISTON, SUPPLEMENTARY TO AN ACT, ENTITLED: 'AN ACT TO AMEND THE CHARTER OF LEW-

ISTON,' APPROVED FEBRUARY 9, 1881, APPROVED MARCH 16, 1901, AND THEREBY EXTENDING THE POWERS AND LIMITS OF SAID CITY, AND DESCRIBING AND DEFINING THE POWER AND DUTIES OF CERTAIN OFFICERS OF SAID CITY, AND TO PROVIDE FOR THE COLLECTION OF SPECIAL ASSESSMENTS, AND TO PROVIDE FOR THE COLLECTION OF GENERAL CITY TAXES, BY THE COUNTY ASSESSOR AND TAX COLLECTOR OF NEZ PERCE COUNTY, IDAHO, AND ESTABLISHING A NEW AND COMPLETE CHARTER FOR SAID CITY, APPROVED MARCH 9, 1903, AND TO ESTABLISH THE NAME, BOUNDARIES AND CORPORATE POWERS OF SAID CITY; TO PROVIDE FOR THE GOVERNMENT THEREOF AND THE EXERCISE OF POLICE AND GOVERNMENTAL POWERS THEREIN, AND THE SELECTION AND REMOVAL OF OFFICERS; TO PROVIDE FOR GENERAL AND SPECIAL ELECTIONS AND THE SUBMISSION OF QUESTIONS AND MATTERS THEREAT; DESIGNATING THE POWER TO BE EXERCISED BY THE MAYOR AND COUNCIL AND OTHER CITY OFFICERS AND THE MANNER OF EXERCISING THE SAME; AUTHORIZING THE GRANTING OF FRANCHISES AND DESIGNATING THE MANNER THEREOF; PROVIDING FOR THE REGULATION OF TRADES AND EMPLOYMENTS AND OF PUBLIC UTILITIES AND PUBLIC SERVICE CORPORATIONS, AND THE ACQUIRING AND OPERATION OF PUBLIC UTILITIES; PROVIDING FOR THE ASSESSMENT OF PROPERTY AND THE LEVY AND COLLECTION OF TAXES; AND FOR THE COLLECTION OF THE SAME BY THE COUNTY TAX COLLECTOR OF NEZ PERCE COUNTY; FOR THE CREATING OF IMPROVEMENT DISTRICTS AND THE MAKING OF SPECIAL IMPROVEMENTS AT THE COST AND EXPENSE OF THE PROPERTY THEREBY BENEFITED, IN WHOLE OR IN PART, AND FOR THE ASSESSMENT, LEVY AND COLLECTION OF TAXES AND ASSESSMENTS THEREFOR AND FOR THE PAYMENT OF THE SAME IN INSTALLMENTS WHEN REQUIRED AND FOR THE ISSUANCE OF SPECIAL IMPROVEMENT BONDS OR WARRANTS, AND FOR THE SALE OF PROPERTY FOR DELINQUENT TAXES; FOR APPEALS FROM THE ACTIONS OF THE COUNCIL IN SUCH MATTERS, AND REQUIRING OBJECTIONS TO BE MADE AS HEREIN PROVIDED; PROVIDING FOR THE CARE, SAFE KEEPING, DEPOSIT AND INVESTMENT OF PUBLIC MONEYS AND THE COLLECTION AND DISBURSEMENT OF THE SAME; FOR THE ISSUANCE OF NEGOTIABLE BONDS FOR PURPOSES AUTHORIZED BY THIS ACT AND FOR THE PAYMENT OF THE PRINCIPAL

PAL AND INTEREST THEREOF; FOR THE ACQUIRING OF PROPERTY AND THE SALE, LEASE OR OTHER DISPOSITION THEREOF; FOR THE MAKING OF CONTRACTS AND CONVEYANCES; THE INITIATION AND REFERENCE OF MATTERS; THE CONSTRUCTION OF SIDEWALKS AND THE COLLECTION OF THE EXPENSE THEREOF WHEN PAID BY THE CITY; FOR ANNEXING TERRITORY; MAKING THIS ACT A PUBLIC ACT AND PROVIDING FOR REFERENCE THERETO; DELEGATING TO SAID CITY THE POWER AND AUTHORITY TO DO ALL ACTS AND THINGS NECESSARY TO THE EXERCISE OF ITS MUNICIPAL FUNCTIONS OR INCIDENTAL THERETO, OR TO THE MANAGEMENT AND CONTROL OF THE CORPORATE PROPERTY AND BUSINESS OR TO THE WELFARE, HEALTH, MORALS, PEACE, AND GOOD ORDER OF THE INHABITANTS THEREOF; AND THE EXERCISE OF ALL POLICE, GOVERNMENTAL AND OTHER POWERS AND AUTHORITY NECESSARY, EXPEDIENT OR INCIDENTAL TO THE EXERCISE OF THE POWERS HEREIN CONFERRED OR THE DUTIES HEREBY IMPOSED; GRANTING TO SAID CITY FULL GOVERNMENTAL AND POLICE POWERS AND ALL POWERS INCIDENT TO LIKE CORPORATIONS AT COMMON LAW OR UNDER THE LAWS OF THIS STATE, NOT INCONSISTENT WITH THE POWERS HEREIN GRANTED; AND ESTABLISHING A NEW, FULL AND COMPLETE CHARTER FOR SAID CITY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That "An act to amend an act, entitled: "An act to amend the charter of the city of Lewiston, approved February 9, 1881," and to amend an act entitled, "An act supplementary to an act, entitled, "An act to amend the charter of the city of Lewiston," approved February 9, 1881," approved February 10, 1881, and to amend an act entitled: "An act to amend an act, entitled: "An act to amend section 7, (concerning streets and sidewalks, sewers, and special taxes therefor), of an act of the Legislative Assembly of the Territory of Idaho, entitled: "An act to amend the charter of the city of Lewiston," approved February 9, 1881, by adding thereto authority to grade, curb, gutter, pave, macadamize, or plank streets and alleys and authority to levy and collect special assessments, upon the property to be benefited by such improvements, and any improvements provided by said section 7, and providing any improvements provided for under section 7, providing for the collection thereof, upon the prop-

erty benefited," approved March 6, 1899, and to amend an act, entitled: "An act to amend section 20, (concerning borrowing money and limitation of indebtedness), of an act of the Legislative Assembly of the Territory of Idaho, entitled: "An act to amend the charter of the city of Lewiston," approved February 9th, 1881, as amended by an act of the Legislature of the State of Idaho, entitled: "An act to amend an act, entitled: "An act to amend the charter of the city of Lewiston," approved February 10, 1881, as amended also by an act of the Legislature of the State of Idaho, entitled: "An act authorizing the city of Lewiston to incur certain indebtedness, providing the purpose for which it shall be incurred, and fixing the limit thereof, providing for the issuance of bonds for the payment of such or any existing indebtedness, amending an act entitled: "An act to amend the charter of Lewiston, approved February 9, 1881," approved February 9, 1899, by increasing the capacity of the said city, to borrow money, defining the purpose for which the same may be borrowed, and authorizing said city to issue therefor, its negotiable bonds, with negotiable interest coupons attached and providing for the levy of taxes to pay the principal and interest on such bonds," approved March 6, 1899, and to amend an act, entitled: "An act to amend section 4 (concerning the fire department, taxes for and fire hydrants) of an act of the Legislative Assembly of the Territory of Idaho, entitled: "An act to amend the charter of the city of Lewiston," approved February 9, 1881, as amended by an act of the Legislature of the territory of Idaho, entitled: "An act to amend an act, entitled: 'An act to amend the charter of the city of Lewiston,' approved February 10, 1881, by extending the power of said city to regulate the erection of wooden buildings, within the fire limits, entrances and exits and fire escapes," approved March 6, 1899, and to amend an act, entitled, "An act to amend section 3, of "An act to amend the charter of the city of Lewiston, approved February 9, 1881, by adding to said section 3, a provision enabling the city of Lewiston, Idaho, to levy a tax for the purpose of reading room and library in addition, if necessary to the one and one-half per cent. per annum, annually on the property assessed," approved March 13, 1899. And an act to amend an act, entitled: "An act providing for the lighting of the city of Lewiston, and for the levying and collecting of a tax therefor: amending sections 6, 81, 82 and 83, of an act to amend the

charter of the city of Lewiston, approved February 9, 1881," approved February 14, 1899, and to amend an act entitled: "An act authorizing the city of Lewiston to incur certain indebtedness, providing the purpose for which it shall be incurred, and fixing the limit thereof; providing for the issuance of bonds, for the payment of such or any existing indebtedness; amending an act, entitled: "An act to amend the charter of Lewiston, approved February 9, 1881," and to amend an act entitled: "An act to amend the charter of Lewiston, supplementary to an act, entitled: "An act to amend the charter of Lewiston, approved February 9, 1881, approved March 16, 1901, and thereby extending the powers and limits of said city, and describing and defining the power and duties of certain officers of said city, and to provide for the collection of special assessments, and to provide for the collection of general city taxes, by the county assessor and tax collector of Nez Perce county, Idaho, and establishing a new and complete charter for said city," approved March 9, 1903, be, and the same is hereby amended to read as follows:

CHAPTER I.

NAME, BOUNDARIES, AND GENERAL POWERS.

SEC. 2. The municipal corporation known as "The City of Lewiston," comprising the inhabitants of all that district of country embraced within the limits prescribed in the next succeeding section hereof, and any extension of said limits hereafter made, shall be and continue a body politic and corporate by the name and style of 'THE CITY OF LEWISTON, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in any courts of law or equity and in all actions whatsoever:

May make and use a corporate seal and alter the same at pleasure, and until altered the seal now in use by said city shall be and remain the corporate seal; may acquire and hold by gift, devise, purchase or by condemnation proceedings, or any other means, lands or other property for public use, either within the corporate boundaries of said city or beyond the limits of said city, for water works to supply the city and its inhabitants, or any person, firm, or corporation, with water; for gas works and other works and plants for supplying the

city and its inhabitants with light, heat and power, or any of them; for public parks, cemeteries, penal and charitable institutions, or any of them; for hospitals, markets, wharves, engine houses, fire stations, depots, rights-of-way for sewers, conduits, pipe lines, pole lines, viaducts, bridges, tunnels, subways, or for the exercise of the powers herein granted, and that may hereafter be granted, or for any other public purpose:

May also acquire by any of the means aforesaid, and may hold and use lands or other property outside of the State of Idaho when necessary, advantageous or expedient for any of the uses aforesaid, and when not prohibited by law:

May take, hold, use and improve any property, real, personal or mixed, either within or without the city limits, that may be acquired by purchase, gift, devise, bequest or otherwise, and for any charitable use or educational, benevolent or public purpose whatsoever, and may do all acts necessary to carry out the purposes of such gifts, bequests and devises, and may sell, lease or otherwise dispose of any property, real, personal or mixed, of the city, and any contract rights of the city, subject to the restrictions imposed by this charter or the Constitution of the State:

May lay out, open, extend, widen, improve, maintain and vacate streets and alleys, sidewalks and crossings and all public highways, and regulate the use of same:

May construct and maintain sewers, drains and all works necessary for the disposition of sewerage:

May erect, construct and maintain any and all public buildings and public works and utilities and may lay out, establish and maintain public parks and cemeteries:

May establish and maintain public libraries, reading rooms, and penal and charitable institutions:

May exercise the powers of eminent domain and of taxation:

May protect the property of the city and the lives and property of its inhabitants from floods and inundations and the danger thereof:

May build, construct, purchase, equip, maintain, operate, enlarge, modify and improve such water works and reservoirs within or without the corporate limits of the city as may be necessary to provide the city and the inhabitants thereof with good and wholesome water, and may lay, construct, extend

and improve all water mains, and appliances in connection with such water works, and regulate the rate to be charged for furnishing water to the inhabitants of said city, and provide rules and regulations for the use thereof, and may make the charges for the use thereof a lien upon the premises where the same is used; and for the purpose of protecting and maintaining such water works, reservoirs, pipes and appliances from injury and the water from pollution, the jurisdiction of the city shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains used in and necessary to the construction, maintenance, improvement, extension and operation of such water works, and over the streams or sources from which the water is taken, for five (5) miles above the point from which the water is taken, and to enact all ordinances and regulations necessary to carry the powers herein conferred into effect:

May build, construct, purchase, equip, maintain, operate, enlarge, modify and improve electric light and power plants, and gas plants and works, with all necessary appliances and appurtenances, for the purpose of lighting streets and public places within said city, and of furnishing light, heat or power to the inhabitants thereof, and acquire sites for any of the purposes herein provided by purchase, gift, devise, condemnation, or any other means:

May purchase, own, acquire, maintain and operate all necessary penal and charitable institutions, houses of correction, and hospitals, for the reception and care of persons afflicted with contagious diseases, jails and industrial farms and places for the reception and care of juvenile offenders:

May build, construct, purchase, acquire, operate and maintain a bridge or bridges, across the Snake and Clearwater Rivers, whether the same be wholly within the limits of said city or not, and for such purpose may join with any other municipality, or any county or state, in acquiring or operating such bridge or bridges; and,

May exercise all municipal powers necessary, or which may be deemed expedient for the complete and efficient management and control of the municipal property and the administration of the municipal government and necessary or expedient to maintain the public peace, morals and good order, protect property and promote the public welfare, and preserve the health of the inhabitants of the city, whether such powers be expressly enumerated herein or not; and may have

and exercise within the city limits all governmental and police powers, subject to the limitations prescribed by the Constitution and laws of the State and of the United States:

May exercise all such powers as are necessary or incidental to the powers herein granted. Shall have and enjoy such powers and authority as are by common law granted to corporations of like character and degree, and shall have and enjoy all powers and authority granted by any general laws of this State to municipalities of like character and degree and not inconsistent with this charter.

SEC. 3. The boundaries of the city of Lewiston are as follows: Commencing at the meandering corner of the right bank of Snake River, fifty-three chains west of the corners of sections one, six, seven and twelve, on the township line between ranges five and six west, township thirty-five north; thence due west to the line between the State of Idaho and the State of Washington, or the mid-channel of Snake River; thence north along said State line to a point due west of the quarter section corner of the range line between sections twenty-five and thirty, township thirty-six, north between ranges five and six west; thence east through the center of sections twenty-five, township thirty-six north of range six, west of Boise meridian, and through the center of section thirty and east through the center of section twenty-nine, to a point twenty chains west of the quarter section corner, between sections twenty-eight and twenty-nine, thence due south four thousand two hundred and twenty-three feet to a point; thence south 76 degrees 35 minutes east, twelve hundred and sixty-three feet to a point; thence south 47 degrees 30 minutes east two hundred and ten feet to section line between sections thirty-two and thirty-three, township thirty-six north of range five, west Boise meridian, at a point five hundred and forty-one feet north of the quarter section corner, between said sections thirty-two and thirty-three; thence due south on section line to the corner of sections four, five, thirty-two and thirty-three, same township and range; thence south between sections four, five, eight and nine, township thirty-five, north range five, west Boise meridian; thence west on section lines between sections five and eight, six and seven, township thirty-five north range five, west Boise meridian, and sections one and twelve, township thirty-five north of range six, west Boise meridian to the place of beginning.

SEC. 4. The city of Lewiston shall continue, under this charter, to have, hold and enjoy all property, rights of property and rights of action of every nature and description of municipality now existing and known as the city of Lewiston.

CHAPTER II.

GOVERNMENT.

SEC. 5. The power and authority given to the municipal corporation of the city of Lewiston by this act is vested in a mayor and council, and in such other departments, boards, bodies and officers as are provided by this charter, or may be created under the authority herein given and their successors in office, to be exercised in the manner hereinafter prescribed, or in any appropriate manner where no provision is made herein.

SEC. 6. There shall be elected by the qualified electors of said city, at the times and in the manner hereinafter provided, a mayor and six councilmen of the city of Lewiston.

SEC. 7. All elective officers of the City of Lewiston shall, at the time of their election, be resident, qualified and registered electors of the said city and shall have been such electors for not less than one year next preceding the same; but this section shall not exclude from office any person otherwise competent, but who has removed from one precinct of said city to another within ten days next preceding such election.

SEC. 8. The mayor is entitled to and shall receive as compensation, the sum of three hundred dollars a year, and the councilmen are entitled to and shall receive as compensation the sum of three dollars, each, for each meeting of the council actually attended; *Provided*, That no councilman shall be entitled to, or shall receive, for his services in attending meetings more than two hundred dollars in any one year; *Provided, further*, That additional compensation may be provided by ordinance and paid to both mayor and councilmen when the proposition therefor shall have been submitted to the vote of the qualified electors of said city and the majority of such electors voting upon such question shall be in favor thereof.

SEC. 9. Any elective officer may be removed in the following manner: A petition, signed by duly qualified electors entitled to vote for a successor to the incumbent, equal in number to at least twenty-five per cent of the entire vote for

all candidates for the office the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk. Such petition shall contain a general statement of the grounds upon which such removal is sought. Each signer shall add to his signature his occupation and place of residence, giving the street and number. Any qualified elector of the city may circulate such petition, and the person circulating the same shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature appended to the paper is the genuine signature of the person whose name purports to be thereunto subscribed. Copies of the petition may be circulated by different persons, and in such case each person so circulating the same shall make such affidavit as to the signatures procured by him. Within ten days from the date of filing such petition, the city clerk shall examine the register of electors, and therefrom ascertain whether or not such petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, such extra help, not exceeding in cost the sum of one hundred dollars, to be paid by such petitioners who shall deposit the sum necessary with the city clerk at the time of filing such petition. Any surplus in the amount deposited shall be returned to the persons by whom the same was deposited. The city clerk shall attach to such petition his certificate showing the result of such examination. If by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate. The clerk shall, within days after amendment, make a like examination of the amendment to the petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay. And thereupon the city council shall order and fix a date for holding said election, not less than thirty (30) days nor more than forty (40) days from the date of the clerk's certificate to the council that a sufficient petition is filed. Nominations may be made by petition, and the city council shall make or cause to be made publication of notice, and all arrangements for holding of such election, and the same shall be conducted, re-

turned and the results thereof declared, in all respects as are other elections. The successor of any officer so removed shall hold office subject to removal in like manner during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such election the candidate receiving the highest number of votes shall be declared elected, and in case of a tie the persons receiving the highest number of votes shall decide the election by lot.

At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

No petition under this section shall be filed until the person sought to be removed shall have been in office at least ninety days, and no person shall be required by any such petition to stand for re-election more than one time during the term for which he shall have been elected.

SEC. 10. No elective officer shall hold any other office, or hold any office or employment, except that to which he was so elected, compensation for which is paid out of public moneys, nor be elected or appointed to any office created by or the compensation of which was increased or fixed by the city council while he was a member thereof until after the expiration of at least one year after he has ceased to be a member of the city council. No such officer shall be pecuniarily interested, directly or indirectly, in any contract let by the city, or by the board of trustees of the independent school district or in any work done by the city or by such independent school district, nor in any matter wherein the rights or liabilities of the city of Lewiston are or may be involved, nor shall any elective or other officer of the city be interested, directly or indirectly, in any public work or contract supervised or controlled, or which shall be paid for, wholly or in part, by the said municipality, and if any such officer shall become interested, directly or indirectly, in any contract or work, purchase or sale, made by the city of Lewiston, then such contract or work, purchase or sale, shall become null and void, and shall be discontinued, and new arrangements

small be entered into, regardless of whether such contract was made in good faith or for a fair consideration.

Any such officer becoming interested, directly or indirectly, as aforesaid, in any contract, work, purchase or sale by or with any of the agencies aforesaid, shall forfeit all right and claim to the title and emoluments of any office which he may happen to hold in said city, and shall be removed therefrom by the mayor and city council, or, if they shall fail to remove such officer, he shall, nevertheless, be subject to removal upon the action of any citizen taken in any court of competent jurisdiction of the State of Idaho, and such officer shall, in addition, be guilty of a misdemeanor or felony, as the case may be, as is or may be provided in the penal statutes of the State of Idaho.

SEC. 11. There shall be appointed by the mayor and council, at such times as may be necessary or expedient, a city controller, who shall be ex-officio city clerk, collector of water rates and registrar; a police judge, chief of police, chief of fire department, city attorney, city engineer, city treasurer, city assessor, city health officer, street superintendent and superintendent of water works. One person may be appointed to two or more of such offices, but the controller shall not hold any other of the offices above named, except as above provided.

SEC. 12. The mayor and council shall, from time to time, by ordinance, create and establish such other offices, commissions, boards and departments as may be necessary for the efficient enforcement of law and the administration of the affairs of the city, and shall fill such offices, commissions, boards and departments by appointment, and fix the compensation, duties and authority of such appointees, and all such offices, commissions, boards and departments may in like manner, by ordinance, be changed, modified or abolished.

SEC. 13. All appointive officers created by this act or by ordinance, shall be selected by ballot by the mayor and council. The mayor shall be entitled to vote in the selection of such officers and a majority vote of the whole number of persons constituting the mayor and council at the time of such election shall be necessary to such appointment.

SEC. 14. All appointive officers created by this act or by ordinance, except the city controller, shall hold office at the will of the mayor and council and not for fixed terms, and all

such appointees shall be removable without cause at the pleasure of the mayor and council. The mayor shall be entitled to vote upon the removal of any such appointees and a majority vote of the whole number of persons constituting the mayor and council shall be necessary to a removal. The compensation, duties and obligations of such officers shall be prescribed by the mayor and council, and duties may be prescribed in addition to those prescribed in this act.

SEC. 15. The mayor and council may from time to time, by ordinance, provide for such deputies of any appointive officer as may in their opinion be necessary, and shall fix the compensation of such deputies. The deputies so provided for shall be selected by the officer whose deputies they are to be. They shall take an oath of office and shall perform all duties in the name of their principal. Whenever the official name of any principal officer is used in any law, ordinances of resolution conferring power or imposing duties or liabilities, it includes his deputies. Such undertakings to the city may be required of the deputies as the mayor and council may prescribe.

SEC. 16. The city controller and clerk shall be appointed for a term of two years, and such officer shall be removable only for cause, and upon notice and hearing by the council, and a two-thirds vote of the persons constituting the mayor and council shall be necessary for the removal of such officer.

SEC. 17. Any appointive officer, except the city controller, may at any time be suspended by written order of the mayor, and the mayor may, at the time of such suspension designate the person who shall perform the duties of the officer so suspended. Such suspension shall be operative only until the next regular meeting of the council, or special meeting called for the purpose of considering such suspension, at which meeting of the council such suspension may be continued for such time as the council may determine, or the officer suspended may be removed as hereinbefore provided.

SEC. 18. All elective officers of the city of Lewiston, holding office at the time that this act goes into effect, shall continue as such officers of said city under this act until the expiration of the terms for which they have been elected or appointed, and until their successors shall have been elected and qualified; and this act shall not be construed as depriving any officer of said city, elected or appointed prior to the passage

hereof, of any portion of the term for which he may have been elected or appointed.

SEC. 19. The council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and after any such election and the organization of the council for the current year may take up and carry on to completion any and all acts and proceedings of whatsoever kind commenced but not completed prior thereto.

SEC. 20. After the annual election and before the organization of the council for the succeeding year, the existing city council shall not pass any ordinance or resolution for the payment of money, or which involves, directly or indirectly, the payment of money, nor enter into any contract or obligation on the part of the municipality, nor shall they appoint to or dismiss from office, any officer under the control of the council, except in case of extreme urgency .

CHAPTER III.

ELECTIONS AND REGISTRATION.

SEC. 21. There shall be a general city election held in the city of Lewiston upon the second Monday in June, of each year, and persons elected at such elections shall hold office for the term of two years, and until their successors are elected and qualified, unless sooner removed, as provided by this act. At the general election in June, 1907, and biennially thereafter, there shall be elected a mayor and three councilmen. At the general election in June, 1908, and biennially thereafter, there shall be elected three councilmen, and at such general elections after the election of June, 1907, there shall likewise be elected successors to such elective officers as may have been appointed by the council to fill unexpired terms, the officer so elected to hold office for the balance of such unexpired terms, subject to removal as herein provided. The person receiving the highest number of votes for any office shall be deemed elected. If two or more persons tie, they shall decide by lot.

The three members of the present city council, elected at the general election held the second Monday in June, 1906, for a term of two years, under authority of the act cited in the title hereof, and of which this act is amendatory, and persons holding office in place of any of the said three members,

who may have died, resigned, removed from the city, or have been removed from office, shall continue to hold office until the expiration of the terms for which they were elected, and until their successors are elected and qualified, and shall be officers of said city under this act, with the same power and authority, and with like effect, as if they had been elected hereunder.

Vacancies in the office of the mayor or councilmen may be filled by vote of the council. A majority shall be necessary to an election, and the person so elected to fill such vacancy shall hold office, subject to removal as provided by this act, until the next general election.

The term of each officer elected at general city elections shall commence on the first Monday in July succeeding his election and every such person must, within ten days after the issuance to him of a certificate of election, qualify for office by taking and filing an oath of office, and giving such undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined such office, and the office shall become vacant, except in cases of contest, in which cases the persons elected and adjudged entitled to office must qualify as herein provided within ten days from the final determination of such contest. All elective officers must be elected from the city at large and all duly registered and qualified electors of said city shall be entitled to vote upon the election of each of such officers.

SEC. 22. The city council shall divide the city of Lewiston into so many election precincts for proposes of city elections, as may in their judgment be necessary, but no change shall be made in any election precinct within six months preceding the next general election.

The city of Lewiston is hereby divided into three precincts for city elections, the boundaries of which shall continue the same as the boundaries of the wards heretofore established by ordinance of the city and confirmed by the act cited in the title hereof, and such precincts shall continue until the council shall by ordinance change the same. The number of precincts may be increased or diminished by ordinance and the boundaries of existing precincts changed.

SEC. 23. The council shall by ordinance fix and designate one or more polling places in each election precinct of the city.

SEC. 24. Not less than twenty days prior to each general or special election, the council shall appoint by ballot or motion, three judges and two clerks of election for each polling place. All such officers shall be electors of the City of Lewiston, resident within the precinct where they are to serve and qualified to vote at the election for which they are appointed officers, but a mistake or error in this regard shall not invalidate such election.

If any officer appointed does not appear at the polling place at which he was appointed to serve, at the hour for opening the polls, the qualified electors then present shall fill the vacancy caused by the non-appearance of such officer or officers and the persons so elected shall have all the qualifications in this section prescribed.

Before opening the polls, all officers of election shall take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any qualified elector may administer and certify such oath.

Officers of elections shall receive such compensation as may be fixed by the city council.

Every judge of elections shall during the day of the election act as a conservator of the peace for the precinct in which he is serving, and he may arrest, and the police judge, or any justice of the peace in such precinct may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to or remaining at, or going from the polling place, and when thereto required, all constables and persons present at such polling place shall assist such judge of elections.

Any judge of elections may appoint and swear in any number of special constables to assist in the preservation of peace and order at an election, and any person liable to serve as a constable and required by a judge of elections to be sworn in as a special constable, shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty (\$20) dollars, to be recovered to the use of any one who shall sue therefor.

SEC. 25. So far as the same are not inapplicable nor inconsistent with, nor contrary to the provisions of this act, or ordinances of the city passed under its authority, the general State laws regulating and governing State and county elec-

tions and such amendments as may be made thereto, shall apply to and govern city elections.

SEC. 26. The city clerk, under the direction of the council, shall give notice of each general or special election by notice published for five days in some daily newspaper published in the City of Lewiston. Such notice shall designate the polling places in each precinct, the judges and clerks appointed to conduct the election, the officers, if any, to be elected, and in general terms the purpose of the election and the matters and things to be voted upon. Where other matters are to be voted upon than the election of officers, such notice may be supplemented by reference to the records and files of the city for more specific information, identifying the particular files or documents referred to. The last publication of such notice shall be not less than ten days prior to such election.

SEC. 27. No person shall vote at any city election who does not possess the qualifications of an elector of the State of Idaho and who has not been a resident of the City of Lewiston for six months, and of the precinct where he offers to vote for ten days, next preceding such election, and who is not registered as provided by this act and by the ordinances of the city; nor shall any person vote at any such election who shall have been convicted, in any court of competent jurisdiction, within six months next preceding the date of such election, of vagrancy, gambling, violation of any ordinance regulating the sale or other disposition of intoxicating liquors, or of conducting, or being an inmate of, a bawdy house or house of prostitution.

SEC. 28. In all general and special city elections the polls shall be open at twelve o'clock noon and shall remain open continuously until seven o'clock of the same day.

SEC. 29. The city clerk shall be ex-officio registrar of elections. He shall keep a book to be known as the Register of Electors, in which shall be kept alphabetically, by precincts, the names of all electors duly registered. He shall administer the oaths to electors and shall number, file and preserve such oaths.

Registration may be made at any time during office hours before the city clerk, except that the registration shall be closed for ten days next preceding the date of any general or special city election or primary.

Upon the first secular day of January of each year, the

city clerk shall open a new register of electors, which shall be the register of electors for the next succeeding year. No person shall be required to register more than one time during any year to vote at each general or special election during such year. But where any elector, having registered, shall remove from the precinct in which he was registered to another precinct, he shall register again before being permitted to vote at any election after such removal and his name shall be stricken from the list of registered electors of the precinct from which he has removed.

SEC. 30. The taking of any false oath, or the commission of any other offense contrary to the provisions of this act or to the election laws of the State of Idaho, shall be punishable in the same manner as like offenses are punishable under the general laws of the State, and any amendment which may be made thereto.

SEC. 31. The city council may pass any ordinances supplementary hereof affecting elections or registration of electors, not inconsistent herewith or contradictory hereof.

SEC. 32. No general or special election shall be declared invalid or ineffective on account of any irregularity, informality, defect, error or omission, act or thing, unless it shall appear that the general result of such election was thereby affected, and that by reason of such defect, irregularity, informality, error or omission, act or thing, a fair and impartial election has not been had.

SEC. 33. The city council may by ordinance provide for the holding of primary elections, but the candidates or persons voted for in such primary elections shall be voted for at large by all of the legally qualified voters in said city, it being the purpose of this act to nominate and elect at large in said city the mayor and councilmen, without restricting the nomination of candidates for either position to any smaller designated territory than the limits of said city. No primary shall be held less than thirty (30) days before the election at which the persons nominated are to stand.

SEC. 34. Any elector of the city having the qualifications prescribed by this act may be nominated for any elective office by petition, filed not less than twenty (20) and not more than forty (40) days before the election, signed by not less than one hundred (100) duly qualified and registered electors of said city, giving the name, occupation and street address of the person sought

to be nominated and designating the office for which he is proposed, which petition must be filed with the city clerk not less than twenty (20) days before the election at which it is desired that the person so nominated be voted upon. Such nominating petition must have attached thereto a statement under oath by some elector of said city that the persons signing the same are qualified and registered electors of said city, and such petition must contain the street address of each signer. When any such petition is offered, the city clerk must, before filing the same, compare the same with his register of electors, and ascertain that the signers of such petition are duly qualified electors of such city. Such comparison must be made immediately upon the presentation of such petition, and in the presence of the persons offering the same for filing. If any of the persons signing such petition are not duly registered electors, and the number of the other signers who are qualified is not sufficient, the clerk must immediately return the petition to the persons by whom the same was presented, designating his reason for its return, and giving the names of the signers thereon who do not appear from his register of electors to be registered electors of the city. After such nominating petition is compared, the same shall be filed by the clerk, if one hundred (100) signers thereof are found to be duly registered electors of said city.

SEC. 35. Prior to the time for opening the polls for a general or special election, the city clerk shall furnish to the election officials, in each precinct, three certified lists of the electors qualified to vote in such precinct. When the election is one at which only electors who are taxpayers are entitled to vote, such certified lists of the clerk shall be made up from his register of electors and the last preceding city assessment roll.

SEC. 36. Within two days after any general or special election, the returns thereof must be certified, by the judges of election, in each precinct, and be filed with the city clerk; and within ten days thereafter the mayor and council shall meet and canvass the returns and declare the result.

SEC. 37. As soon as may be after the completion of the canvass, and the determination of the result, the city clerk must make and sign a certificate of election for each person declared to be elected and deliver the same to such person.

SEC. 38. A certificate of election is prima facie evidence of the matters therein stated, but the council is the judge of

the qualifications and of the election of the mayor and of its own members; and in case of a contest between two persons claiming to be elected to any office, must determine the same, subject, however, to the review of any court of competent jurisdiction.

SEC. 39. A contested election for any such office must be determined according to the laws of the State of Idaho, and all amendments that may be made thereto, regulating proceedings of contested elections in county offices.

SEC. 40. Every person elected or appointed under this act or the ordinances of the city, before entering upon the duties of his office, must file with the city clerk an oath of office to the following effect:

"I, A. B., do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, and of the State of Idaho, and the laws and ordinances of the City of Lewiston, and that I will, to the best of my ability, faithfully perform the duties of the office of.....during my continuance therein, so help me God."

SEC. 41. The city clerk shall cause the ballots for any election to be prepared and furnished to the officers of such election, and shall in general perform the same duties in regard to city elections as are required to be performed by the county auditor in regard to State elections by the general laws of the State of Idaho and all amendments which may be made thereto, in so far as the same are applicable hereto and not inconsistent herewith and not contradictory hereof; and the chief of police shall do and perform all such other things and acts in and about the election and the preparation therefor as are required of the sheriff by the general laws of the State of Idaho, and all amendments which may be made thereto, in so far as the same are applicable hereto and not inconsistent herewith nor contradictory hereof; and to a like extent all general laws and amendments that may be made thereto regulating and governing election proceedings and matters incidental thereto shall apply to and govern elections under this act.

SEC. 42. An office shall be deemed vacant upon the death, removal or resignation of the incumbent or incumbents or a failure to qualify, as required by law. Any office may be declared vacant by the city council when the incumbent thereof shall have been absent from the city, without leave of the council first obtained, for the period of sixty (60) days; *Pro-*

vided, That the office of any councilman, who shall neglect or refuse to attend six (6) consecutive meetings of the council, including both regular and adjourned meetings, without leave of the council first obtained, may be declared vacant by the council: *Provided further*, That such councilman shall have had notice of such adjournment meetings.

SEC. 43. An officer appointed to fill a vacancy must, within ten (10) days from the date of such appointment, qualify therefor, as in case of an officer elected, or he shall be deemed to have declined such office and the office shall be considered vacant.

CHAPTER IV.

CITY COUNCIL.

SEC. 44. The city council shall provide for the time and place of its regular meetings, at any of which it may adjourn until its next regular meeting or to any intervening time, and it may be convened by the mayor or a majority of the members of the council at any time upon not less than two (2) hours' notice given by the city clerk to the mayor and to each member of the city council in the city. Until changed, the existing ordinances fixing the times of meeting shall continue in force.

SEC. 45. At any adjournment meeting, any business may be transacted which might have been transacted at the original meeting, and any act or proceeding begun at the original meeting may be completed, and if all members are present, or consent in writing, any business may be transacted.

SEC. 46. Regular or special meetings may be had at any time when the mayor and all members of the council in the city attend without objection. Such meetings may be had at any time without the attendance of the mayor, and all the council where the officers in the city and not attending sign a written consent thereto.

When the mayor and all members of the council in the city attend in person, or give their written consent thereto, all the business transacted without objection at such meeting shall be legal and valid, howsoever the same may have been called.

SEC. 47. On the first Monday of July there shall be a regular annual meeting of the council at eight o'clock p. m., and such meeting is appointed by this act, and no notice or call thereof is necessary.

SEC. 48. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 49. The council may adopt rules for governing its members and its proceedings. It must keep a journal of its proceedings, and on the call of any of its members must cause the yeas and nays to be taken and entered in the journal upon any question voted upon. Its deliberations and meetings must be public.

SEC. 50. The council shall have power to provide for the enforcement and maintenance of order during any of its meetings or deliberations, and during the meetings or deliberations of its committees and may provide for the summary arrest and removal of any person who obstructs or disturbs any such meetings or deliberations.

SEC. 51. The council, or any of its committees, shall have authority to compel the attendance of witnesses and of all officers and of licensees of the city, and to compel its officers upon such attendance to produce all books, papers, instruments and documents of any kind whatsoever in their official custody or possession, and to report and to give an account of their official acts and of any matters pertaining to their official duties, and may punish as contempts, failure to attend.

To punish as contempts, disorders in the presence of the council or its committees, and to summarily cancel the license of any licensee who after notice or citation fails to appear before the council or any of its committees in response to a citation or summons to show cause why his license should not be cancelled.

SEC. 52. The officers who are heads of departments of the city shall have the privilege of the floor at meetings of the council when the matters concerning their departments are under discussion.

SEC. 53. A majority of the whole number constituting the council is a majority within the meaning of this act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question of matter other than the final passage of an ordinance or the removal of any officer from office, unless otherwise expressly provided.

SEC. 54. The mayor shall preside over the council when

in session and shall have authority to preserve order, enforce the rules of the council, determine the order of business subject to such rules, and to appeal to the council; he shall not be entitled to vote except as herein otherwise provided, except in case of a tie in the vote of the members present and voting, in which case he shall have the casting vote, except of the final passing of an ordinance.

CHAPTER V.

THE GENERAL POWERS OF THE COUNCIL.

SEC. 55. The mayor and council shall have full power and authority:

To assess, levy and collect taxes for general municipal purposes, and other purposes as herein provided.

SEC. 56. To prescribe the duties and compensations of all officers, agents, and employes of the city, and to provide the time and manner of payment for the same.

SEC. 57. To provide for the management and control of the finances and of all property, real, personal and mixed, belonging to the city, and to appropriate money and to provide for the payment of all debts and expenses of the city.

SEC. 58. To acquire for the city such property, real, personal and mixed, as may be needed for public use; to provide the manner and method of entering into contracts by the city in all cases not in this charter otherwise provided; to accept or reject all property, real, personal and mixed, given, conveyed, devised, or bequeathed to the city, and to provide for the execution of all trusts accepted by the city; to provide for the purchase of property levied upon under execution in favor of the city; to provide for the purchase of real or personal property when sold for delinquent taxes and assessments levied or imposed under the charter of the city, and to sell and convey the same, but the sum paid by the city for any piece or parcel of property so sold on execution in favor of the city or for a delinquent tax or assessment, shall not exceed the amount of such debt, tax, or assessment and the necessary costs and expenses of the proceedings for the collection of the same; to provide for the sale at public auction of all personal property unfit or unnecessary for the use of the city, and to provide for the sale of all other property, real, personal or mixed, which the city may lawfully sell.

SEC. 59. To license, tax and regulate all trades, professions, occupations, practices, pursuits and employments carried on, and places and institutions maintained, and the manufacture of, the dealing in, or the use of any instrument, article, mechanism, merchandise, commodity, utility or convenience whatsoever, within the limits of said city, and to fix the license tax thereon to be paid by all persons engaged in such trades, professions, occupations, practices, pursuits, and employments, or in maintaining such places and institutions, or in manufacturing, dealing in, or using any such instruments, articles, mechanisms, merchandise, commodities, utilities or conveniences.

And in the exercise of the foregoing powers, the council is authorized to license, tax and regulate merchants, manufacturers, plumbers, second-hand dealers, coal dealers, ice dealers, ice wagons, junk dealers, ice cream dealers, milk dealers, horse dealers, mule dealers, cattle dealers, stock yard and wagon yard proprietors, patent right dealers, commission merchants, produce dealers, mercantile agencies, undertakers, meat shops; agents, auctioneers, real estate agents, real estate brokers, financial agents, brokers, loan agents, rental agents, lightning rod agents, sewing machine companies, sewing machine agents, cash register agencies, agents for cash registers, advertising agents, railroad ticket agents, railroad ticket brokers, produce brokers, merchandise brokers, railway traffic agents, amusement ticket brokers, lumber brokers, brewers, distillers, brewers' agents, brewers' agencies, malt dealers, typewriter agencies, insurance companies, fire insurance companies, life insurance companies, accident insurance companies, insurance agents, fire insurance agents, life insurance agents, accident insurance agents, fire insurance solicitors, fire insurance brokers; abstractors or guarantors of land titles; bankers, banking corporations, trust companies, investment companies, lenders of money on chattels and chattel mortgages, loan and brokerage companies; newspaper publishers, publishing companies, publishing houses, printing establishments; public lecturers, lawyers, doctors, itinerant doctors, corn doctors; lock, private and venereal hospitals, veterinary hospitals, veterinary surgeons; barber shops, manicure and hair dressing establishments, bath houses; hotels, apartment houses, restaurants, boarding houses, tenement houses, office buildings, public halls, public grounds; photographers, artists; shows, exhibitions, cir-

cuses, operatic theatrical and other exhibitions; amusements, concerts, theaters, theatrical agents, amusement parks, cattle shows, horse shows, dog shows, poultry show, animal shows, menageries, museums, sparring exhibitions, equestrian exhibitions, horoscopic views, cycloramas, panoramas, skating rinks, wrestling exhibitions, boxing contests, public masquerade balls, street exhibitions; shooting galleries, dance halls, dance houses; fortune tellers, clairvoyants, palmists, lung testers, muscle developers; billiard parlors, billiard and pool tables and other tables and instruments used for amusement; pin alleys, ball alleys, telegraph companies, telephone companies, electric light companies, street railway companies, electric companies, gas companies, conduit companies, subway companies; poles and wires of telegraph, telephone, electric light, street railway and all electric and power companies; oil companies, mining companies, express companies; agents and agencies for the sale of oil stock, mining stock and other stocks; street rail cars, omnibuses, hansom cabs, hackney coaches, drays, job wagons, carts, carriages, barouches, buggies, wagons, automobiles, bicycles, and all vehicles, private or public; hawkers, hucksters, peddlers, auction house proprietors, runners, drummers, keepers of knife, board and cane racks, street stands, intelligence and employment officers and the keepers and occupants thereof; bill posters; inspectors and gaugers, private detectives, private detective agencies; public scales, grain elevators, storage and transfer houses; nurseries and nurserymen, agents and solicitors for nurseries, laundry and laundry agents; slot weighing machines, automatic sales machines, slot machines, gift enterprises, pool rooms, saloons, dramshops, beer houses, tippling houses, wine gardens and beer gardens.

To cancel for cause any license issued for drinking saloons, beer shops, breweries or other places where intoxicating beverages are sold or disposed of, and to refuse the issuance of such license to any person not of good reputation and standing, and to cancel for cause the license of any licensee whose business shall be conducted in a manner that is offensive, dangerous or injurious to the health or morals of the community or any part thereof, and to refuse the issuance of another license to a licensee whose license has theretofore been cancelled or revoked.

The foregoing enumeration of powers shall be construed to be in explanation and not in limitation of the general pow-

ers herein granted, and the council shall have power to license, tax and regulate all trades, professions, pursuits, or employments not hereinbefore enumerated, of whatever name or character, like or unlike, and fix the amount of license tax to be paid thereon.

The city may charge a separate license tax for each place of business conducted or maintained by the same person, firm or corporation.

SEC. 60. To license, tax and regulate hackmen, draymen, omnibus drivers, chaffeurs or automobile drivers, porters, express drivers, and all other persons, firms or corporations pursuing like occupations, with or without vehicles, and to fix and prescribe uniform rates and charges for such services to the public; and to regulate, license, tax, restrain and prohibit runners for steamboats, cars, stages, hotels and public houses.

SEC. 61. To have power to license ferries, and to regulate the same, and the landing thereof within the limits of the city, and to fix and prescribe the charges and fees for ferries.

SEC. 62. No State or county license shall authorize any person to engage in or conduct any business or do any act for which a city license is prescribed by ordinance under the authority of this charter unless the city license is first obtained, and the council may provide such conditions, regulations and penalties in the issuance of licenses as are in its judgment to the best interest of the city and the inhabitants thereof.

SEC. 63. To license, regulate, restrain and prohibit for cause places where intoxicating beverages are sold, and all offensive and dangerous trades, occupations, employments or businesses, and for the purpose of this act to define what are offensive and dangerous trades, employments, occupations, or businesses; to limit and define the districts within the city within which intoxicating liquors may be sold, and any dangerous or offensive occupation carried on; but this section does not empower the city of Lewiston to declare a trade, employment, occupation or business offensive or dangerous contrary to the common understanding of the subject, nor to authorize any one to do any act or engage in any business contrary to the law of the land.

SEC. 64. To require bonds to be given by any or all licensees, conditioned that the licensee will observe and obey all

orders, resolutions and ordinances of the city of Lewiston, and all laws of the State of Idaho, in the conduct of the business, trade, occupation or employment licensed, and will conduct the same in an orderly manner. Conditions in addition hereto may be prescribed by the council.

SEC. 65. Subject to the limitations of this charter, to direct the manner of issuing and regulating licenses, and the fees and charges to be paid therefor, and to provide for the revoking of the same, but no license shall be issued for more than one year; and not less than one dollar shall be charged for any license under this charter or any ordinance.

SEC. 66. To remove and prevent all obstructions in the Clearwater and Snake Rivers within said city, and to widen, straighten and deepen the same; to improve and preserve the navigation thereof; and to erect, repair and regulate wharves and docks, and to regulate the rates of wharfage within the limits of the city.

SEC. 67. To provide the city with water; to make, regulate and establish public wells, pumps, cisterns, hydrants, and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and convenience of the inhabitants, and to prevent the unnecessary waste of water.

SEC. 68. To provide for lighting the streets and erecting lamps thereon, and to regulate the price and quality of gas, gasoline, electricity, and other means of lighting, and the manner and means of lighting by electricity and the power thereof, and to compel any gas company, electric light company, corporation or individual to change and relocate at their own expense any gas mains and pipes, or any poles or conduits for electric wires.

SEC. 69. To have control and power over the streets, sidewalks, alleys, landings, public grounds and highways of the city; to establish, open, alter, widen, extend, vacate, grade, pave, repave, block, reblock, sprinkle, or otherwise improve, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstructions thereof; to put drains and sewers in the same, and to regulate or prohibit the building of vaults or areas under sidewalks; to regulate the use of public streets, alleys and highways of the city, for telegraph, telephone, electric light, electric power lines, and other pole lines above the surface, and to compel all lines and wires of

every character within the city to be placed and kept under ground, and to regulate the use of the streets for conduits, subways, mains, pipes, and all structures beneath the surface thereof; and to regulate and control for any and every purpose the use of the streets, highways, alleys, sidewalks, public thoroughfares and public places and grounds of the city; to survey and fix grades of streets and to change the same from time to time.

To prohibit racing, or fast or immoderate riding or driving of every kind of animal or vehicle in the streets, highways, public thoroughfares and grounds of the city, and to authorize any person to stop any such person immoderately riding or driving as aforesaid.

To prohibit and punish the abuse of animals, to compel persons to fasten their animals while standing in the streets, or in any particular street or streets, and to prevent the hitching of any animal on any particular street or streets; to prescribe the manner and limit the time of standing animals and vehicles in any street or streets, and to forbid large or heavily loaded vehicles to pass along any particular street or streets, or any class or kind of public thoroughfare within the city.

To regulate and restrain the use of bicycles and like vehicles upon the streets, avenues, alleys and sidewalks; to prohibit the riding or propelling of the same upon sidewalks, or upon sidewalks in specified districts; to exclude the same from specified highways or portions of highways, and prohibit the use of the same thereon; and to establish and maintain bicycle paths and ways, and exclude bicycles from other portions of the streets, avenues or alleys;

To make all needful regulations to keep and maintain the public streets, alleys, sidewalks and public places in a clean, open and safe condition for public use; to prescribe and regulate the width of the tires on and to regulate and limit the weight to be carried by any and all vehicles used on the public streets and thoroughfares of the city; and to prohibit the building and use of barbed wire fences within the city limits, and to regulate the use of sidewalks and prevent the extension of awnings, balconies, building fronts and house fronts, and any other projections within or over the street line, and to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of electric, gas and other lights;

To regulate the use of the streets and sidewalks for the

use of signs, sign boards, hitching posts, awning posts, telegraph posts, telephone posts and electric light posts, and other purposes;

To regulate and prohibit the exhibition and hanging of placards or flags in, on or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit such and all persons from begging upon the streets or any other public places;

To prevent the erection or removing of buildings within the city limits which shall be dangerous to the passerby, or to the adjacent property, or an obstruction to public travel, and in case any building on any public street shall become dangerous to passersby, the council shall have power to cause the same to be removed, or made safe, at the expense of the property, upon five (5) days' notice to the owner thereof or agent therefor, and to determine when the same is dangerous. Such expense shall be made a lien upon the property, and shall be collected in the same manner as collections are made for the repairs or construction of sidewalks after notice, and the council may regulate the time and manner of and prohibit the removal of buildings on streets of the city, and may designate the character of the buildings which may or may not be removed.

SEC. 70. To provide for surveying the blocks and streets of the city, and for making and changing the boundary lines of such blocks and streets; to provide for the platting of lands within the city; to make rules and regulations governing the filing and acceptance of such plats, and to regulate that all plats filed shall conform to the plats filed shall conform to the plats of adjacent lands where such lands have been previously platted, and shall conform to the general system of platting adopted or to be adopted within such city; and no plat of any lands within the city of Lewiston shall be filed in the office of the county recorder of Nez Perce county unless the same contains a certificate of the city clerk, certifying that the same has been approved by the mayor and council.

SEC. 71. To regulate, prevent and prohibit the erection, maintenance, or display of signboards and bill-boards, and all signs, posters, or other advertisements or of advertising matter which are offensive, improper, unsightly, indecent, lascivious, or obscene, upon, along, or near the sidewalks, streets or public places, or within view thereof; and to declare any such sign-board, poster, or other advertising matter to be a public nuisance and provide for the abatement thereof.

SEC. 72. To restrain and prevent any riot, rout, noise, disturbance, disorderly conduct, or disorderly assemblage; to prohibit the playing of ball, the rolling of hoops, flying of kites, or any other amusement or practice dangerous or annoying to persons or property or tending to frighten horses or teams, in any street, house, or place in the city; to regulate and prohibit the driving of cattle, sheep, hogs, and other animals and live stock, loose or in droves, through the streets; and to regulate or prohibit the running at large of cattle, cows, hogs, goats, chickens, geese, ducks, and all poultry, and all other animals or fowls within the limits of the city, and to authorize the impounding and sale of the same; to restrain and prohibit the ringing of bells, blowing of horns, bugles or steam whistles, crying of goods and all other noises, performances and practices tending to the collection of persons on the streets and sidewalks, by auctioneers, and others, for the purpose of business, amusement, or otherwise; to prevent and remove, without notice, all obstructions and encroachments upon the sidewalks, curb stones, carriageways, streets, avenues and alleys, at the expense of the owners or occupants of the ground fronting thereon.

SEC. 73. To grant franchises for the use of the streets, thoroughfares and highways to persons or corporations for any of the purposes contemplated in this act, or for which like franchises are ordinarily granted by municipalities, and for any purpose of general public utility, but no right, authority of franchise granted to any person, persons, company or corporations to use the streets, avenues or alleys for any purpose shall be for a longer term than twenty-five years, and the council shall have power to regulate the fees to be charged by such person, persons, company or corporation using the streets under any franchise, and such conditions and restrictions may be placed upon such person, persons, company or corporation enjoying any of the rights and privileges which may be granted to them under the provisions of this act as the council may in its judgment deem expedient for the protection of the city and the inhabitants thereof.

The ordinance granting such right, franchise or privilege shall, after its passage and approval, be published in full one time in some daily paper published in the City of Lewiston, at the expense of the grantee, and no such ordinance shall take effect or be in force until thirty (30) days after the publication thereof.

If, after the publication of such ordinance and prior to the time when the same goes into effect, a petition, in writing, shall be presented, signed by not less than three hundred (300) of the duly qualified electors of such city, requesting that such ordinance be submitted to the electors at an election to be called therefor, the council shall, as soon as may be after the filing of such petition, provide for such election, and submit the said ordinance thereat. Such petition may be circulated, certified and presented in the manner provided in section 9 of this act.

Whenever the question of granting any franchise is proposed to be submitted to an election, the ordinance by which it is proposed to grant the same shall be published in full for five (5) days in some daily newspaper published in said city, the last of such publications to be not less than ten (10) days prior to such election.

Such ordinance shall provide the compensation to be paid for such grant to the City of Lewiston, and in addition to any other form of compensation the grantee shall pay annually such fixed charge as may be prescribed in the franchise. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant, the grant, as well as the property, if any, of the grantee, in the streets, avenues, and other public places, shall thereupon, without other or further compensation to the grantee, or upon the payment of a fair valuation therefor (the mode of ascertaining which shall be determined in the grant) be and become the property of the City of Lewiston, and the grantee shall never be entitled to any payment or valuation because of any value derived from the franchise, or the fact that it is or may be a going concern duly installed and operated, and the city may own, maintain, operate, sell or lease the property so acquired.

At such election the legally qualified voters of the city shall vote for or against the proposed grant, as set forth by the ordinance conferring the same. If at such election the majority of the votes cast shall be for the said ordinance, the same shall thereupon become effective, but if a majority of the votes cast at such election shall be against such ordinance, such ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind whatever upon the applicants therefor, and it shall be the duty of the council, after canvassing the vote of such election, to pass an ordinance repealing the ordinance which has been by it theretofore passed.

No grant of franchise, or lease, or right of user in, upon, along, through, under or over the public streets, highways or thoroughfares, shall be made or given except by ordinance, nor shall powers previously granted be extended or enlarged except by ordinance in the manner herein provided; but the provisions of this section shall not apply to the granting of side-track or switch privileges to railway companies for the purpose of reaching and offering railway connection and switch privileges to the owners or users of any industrial or commercial plants, it being the intention to permit the city council to grant such rights and privileges to railway companies whenever the same is expedient, necessary or advisable.

Every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and to maintain the property in good order throughout the life of the grant.

No public service corporation holding any franchise or grant from the City of Lewiston shall, directly or indirectly, contribute to any campaign fund in any city election, or furnish or supply any money or other thing of value for any such fund, nor attempt or seek by coercion, threats or bribery, to procure the election of any person to office, or to defeat any person who is proposed for office, or to procure the adoption or defeat of any measures; nor shall any such corporation, or any officer, director, manager, or agent, thereof, directly or indirectly, by any threat, bribery, inducement, or coercion, of whatsoever sort, influence or seek to influence the vote or decision of any agent or employe of such corporation or any other person, upon any public matter, nor to induce such agent, employe or person to vote or to refrain from voting, or to vote or refrain from voting in a particular manner, upon any question submitted at any city election; nor shall any such corporation, or any holder of any franchise from the City of Lewiston, give, or offer, or furnish, anything of value whatsoever to any officer, agent, or employe of the City of Lewiston, except in the usual and ordinary course of trade or business, and for the same consideration and compensation that is charged to the public for like articles or services, and for a violation of any of the prohibitions in this paragraph contained of such person or corporation shall be fined in such sum as may be prescribed by ordinance.

Any nominee or person seeking any nomination or election or appointment to any city office who solicits or receives,

directly or indirectly, any contribution to any campaign fund for any city election from any such public service corporation, shall thereby be disqualified for a period of one year from holding any public office in said city, and may be punished by such fine as the council may prescribe in addition, and, if elected or appointed, the council may summarily try and remove such person from office.

The city council may also inspect and examine, or cause to be inspected and examined, at all reasonable hours, any books of account, records, memoranda and documents of such grantee, and the grantee shall keep records and accounts, and make reports in accordance with such forms and methods as may be prescribed by the city council, which, as far as practicable, shall be uniform for all such grantees.

SEC. 74. To cause sidewalks to be constructed, repaired, cleaned and kept in condition, and to provide by ordinance therefor, and to provide for the laying of temporary plank sidewalks upon the natural surface of the ground without regard to grade, upon the streets not permanently improved, and to make the cost thereof a lien upon the abutting property.

SEC. 75. To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys; and the location of depot and terminal grounds within the city; and the city shall have power to require that railroad tracks, bridges, turnouts and switches shall be so constructed and reconstructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and so as to protect life and property from danger arising from the operation of trains upon said tracks, and that sufficient space should be left on the side, or either side, of said tracks for the safe and convenient passage of teams and persons. The city shall have power to require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, ditches, sewers and culverts, and to light and guard the same. And the council shall have power to require and compel railroad companies to construct and maintain viaducts, or overhead bridges, together with the approaches therefor at points where the tracks of such railroads cross the public streets or highways of the city and where the construction of such viaducts and bridges is reasonably necessary for the convenience of the public, or for the protection of the people using such crossing. And the city

shall also have power to require railroad companies whose tracks cross the streets, alleys and highways of the city, to build such tracks under such streets, alleys and highways at such crossings, and to construct tunnels thereunder for the use of such railroads, or viaducts over said railroad tracks for the use of the public, and to maintain the same. And the city shall also have power to require the railroad companies whose tracks cross the streets, alleys, and highways of the city, to pay the reasonable and necessary damages to abutting property caused by the construction of said viaducts or overhead bridges and approaches thereto; and in cases where it is necessary to procure a right of way for the construction of any such viaduct or overhead bridge, or approaches or any part thereof, the cost and expense of such procurement shall be borne by the railroad company or companies whose tracks cross the highways and render necessary the construction of said viaducts or overhead bridge and approaches.

And the city shall have power, in cases where more than one railroad company's tracks cross a highway within the city, to provide by ordinance the amount or proportionate part of the cost which each of said companies shall pay or contribute towards the cost and expense of construction or maintenance of such viaducts or overhead bridges and approaches, including the matter of rights of way for the construction of such viaducts, overhead bridges or approaches. The city shall likewise have power, when the public safety or convenience so demands, to designate that the roadway of the street crossed by such railroad tracks shall either be carried under the tracks by means of a tunnel, cut or subway to be constructed and maintained by said railroad company, or over said railroad tracks by means of a viaduct or overhead bridge, as aforesaid; and in case the streets shall be placed beneath said tracks, the city may require all of the costs and expenses of the same, including maintenance, right of way, and damages to private property by the construction of the same, to be paid by the railroad company or companies whose tracks cross said street.

SEC. 76. To establish, erect and keep in repair bridges, culverts, and sewers, and to regulate the use of the same; to establish, alter, deepen, and change the channel of water courses and to wall them up and cover them over. To locate and construct any ditch, canal or pipe, for the conduct of water, and any drain, sewer or culvert, which may be deemed

necessary or convenient, and for such purpose it shall have the right to enter upon the land between the termini of such ditch, canal, pipe, drain, sewer or conduit, for the purpose of examining, laying and surveying the line of such ditch, canal, pipe, drain, sewer or conduit, doing no unnecessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of said ditch, canal, sewer pipe, drain or culvert, in like manner as provided by the laws of this State, for the appropriation of lands or right of way, by corporations and to appropriate and divert from its natural course, or channel, for the purpose of draining or flushing any drain, sewer, or culvert, or securing a supply of water, any spring or stream of water; and compel extension of water and sewer connection to the main sewer or pipe or curb line of the sidewalks along the public streets.

SEC. 77. To provide for making of contracts on behalf of the city, and to authorize contracts by ordinance.

SEC. 78. To borrow money on the credit of the city and pledge the credit, revenue and public property of the city for the payment thereof when authorized by this act, and to evidence the indebtedness by the issuance of bonds, or other securities, with interest coupons attached thereto, and to determine the form of such securities and make the same payable out of specific funds.

SEC. 79. To authorize the conveyance of cemetery lots by certificate signed by the mayor and city clerk, under seal of the city, and such certificate shall vest in the proprietor, his or her heirs or assigns, a right to such lots for the sole purpose of interment under the regulations of the city council so long as the premises shall be used for cemetery purposes, and such certificate shall be entitled to be recorded in the office of the county recorder; to limit the number of cemetery lots which shall be owned by the same person at one time; to prescribe rules for inclosing, adorning and erecting monuments and tombstones on cemetery lots; to prohibit any diversion of the use of such lots, and any improper adornment thereof, and generally, to prescribe rules governing and regulating cemeteries.

SEC. 80. To require reports and registrations of births and deaths within the city; to regulate the burial of the dead, and to direct the returning and keeping of all bills of mortality; to provide for the keeping of statistics relative to dis-

eases, births and deaths within the city; to provide for the preservation of the health of the inhabitants of the city, and to that end to abate any nuisances within five (5) miles of the limits of the city which are liable to injure the health of such inhabitants, and in case of such nuisance the council shall have the same powers as if such nuisance existed within the corporate limits.

SEC. 81. To authorize contracts for the purchase of water, light, heat and power for supplying the public buildings, plants and works of the city with light, heat and power, and for lighting the streets and public places, and to authorize or make all other contracts, conveyances and agreements which may be authorized by law.

SEC. 82. To provide for the erection of market houses and public buildings of every character required for city purposes, whether herein specifically enumerated, or not, and to provide for the government and regulation of all such buildings, and to provide for the government and regulation of the city's markets, and market places, and to lease or rent such markets and market places and market houses, or portions thereof, or rooms therein, and to fix the rental charges therefor, and to fix the amount of the license to be paid for each and every kind of business carried on within such markets, market places, and market houses.

SEC. 83. To regulate the inspection and vending of flesh, fish, meats, poultry, fruits, vegetables, butter, lard and other food products, and the place and manner of selling and inspecting the same.

SEC. 84. To establish and regulate the standard of weights and measures to be used in the city, and to provide for the inspection of all weights and measures, and to compel all dealers in all kinds of coal to weigh the same on public scales, and to establish, license, tax and regulate public scales and the charges for the use of the same; to make provision for the inspection and measurement of lumber and other building material, for the inspection of elevators, steam boilers, and all steam heating apparatus, and to license engineers and others using steam boilers or other steam heating apparatus in said city; for the inspection of beef, pork, flour and meal; oil, coal oil, naphtha, benzine and other burning fluids; molasses, syrups, turpentine, vinegar, beer, ale, wines, whiskeys, rum, brandy, and other malt or spirituous liquors in barrels, hogsheads and

other vessels; for the inspection and weighing or measuring of hay, coal, charcoal, firewood, and all other kinds of fuel to be used in the city; for the inspection of butter, cheese, milk, lard and all other provisions; for regulating the weight and quality of bread; to appoint weighers, gaugers and inspectors, and to prescribe their duties and regulate their fees; to inspect and regulate house drainage and sewer connections, and to prescribe the kind and quality of material to be used for such purposes, and to appoint an inspector of plumbing and prescribe his duties, and to require house connections to be made with the city's sewers.

SEC. 85. To establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious diseases in the city and within five (5) miles thereof, and to provide for the destruction of all diseased or deleterious articles of food or drink; to establish and regulate hospitals inside and outside of the city, to condemn property therefor, and to secure the general health of the inhabitants by any necessary measure.

SEC. 86. To regulate and prohibit stone quarries and the quarrying and blasting of stone; to provide for the erection, management and regulation of slaughter houses and to regulate the slaughtering of animals; to regulate or prevent the driving of stock through the city or any part thereof; to prohibit, remove or regulate the erection of soap factories, stock-yards, feed yards, livery stables, slaughter houses, pig pens, cow stables, dairies, coal oil and vitriol factories, and all other factories which the common council may, by ordinance, under the authority of this act, declare to be nuisances, within the city, and within five (5) miles thereof; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacture or vending of articles deleterious to the health of the inhabitants; to declare, prevent and abate nuisances on public or private property, and the causes thereof.

SEC. 87. To provide for the removal and prohibit the maintenance on any public or private property of weeds, or other rank vegetable growth; and to provide for the punishment of any owner or occupant, or of any person having the control of any land or ground, who shall allow or maintain thereon any such growth of weeds or other rank vegetable growth, and to declare the same to be a nuisance and provide for the abatement of the same at the expense of the owner

of such property in any manner prescribed in this charter, or by general law, for the abatement of nuisances; and to provide for making the cost of such abatement a lien upon the property.

To provide for the planting of trees, shrubs, flowers, grass and other ornamental growths in the parks, cemeteries and public places of the city, and upon the parking along the streets, and for the care of trees and other growths in such street parking places; to provide a uniform system for parking and beautifying streets, to require all street parking to conform to such regulations; to remove trees and growths which do not conform; and to take all necessary steps for creating, protecting, maintaining and preserving such street parking.

SEC. 88. To regulate plumbing, drainage, and sewerage of buildings, and the use of steam boilers and steam generators, and to provide for the registration of plumbers and stationary engineers.

SEC. 89. The council shall have power to provide for the detention and care of homeless and neglected children and juvenile delinquents, and for this purpose they may create such offices as may be necessary, may provide for probation and other officers, and may establish and maintain a juvenile court or courts.

SEC. 90. To regulate the plans, manner of location on the ground and the material and the manner of construction, maintenance, care, use and management of all hospitals, tenement houses, lodging houses, and cellars within the city limits for the better protection of the lives and health and the morals of the inmates dwelling therein, and of the inhabitants of the city.

SEC. 91. To regulate the plans and material and the manner of construction, maintenance, care, use, management and operation of all theatres, public halls, places of amusement, and other buildings used for public gatherings, and to regulate and determine the number, size, and location of places of entrance and exit therefrom, and the modes of hanging doors thereat.

SEC. 92. The council shall have power, by ordinance, to prohibit the erection, placing or repairing of wooden buildings within such limits as may be prescribed by ordinance, and to direct that all buildings within the limits prescribed shall be

made or constructed of fire proof material, and to declare all delapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct, and to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings in causing or promoting fires to be nuisances, and to require or cause them to be removed or abated, in such manner and under such penalties to the owners or proprietors thereof as it may direct.

SEC. 93. To prescribe regulations for the erection, construction and repair of buildings within the city limits; to limit the height of buildings; to require adequate fire escapes, apparatus and appliances for protection against fire to be provided in such buildings, and to prohibit the erection of dangerous and unsafe buildings, and to tear down and remove the same wherever situated, and to make the cost thereof a lien upon the property, and to make such regulations, generally, concerning the construction and repair of buildings as may be necessary or expedient in the opinion of the council for the general welfare.

SEC. 94. The council shall have power to regulate and prohibit the construction and maintenance of chimneys, stacks, flues, fire places, stove pipes, ovens, boilers, or other apparatus used in or about any building or manufactory, and cause the same to be removed or put in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe buildings and inclosures, to examine whether the same are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition;

To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to regulate, prevent and prohibit the use of fireworks and fire arms.

To direct, regulate and prohibit the storage, manufacture, sale and use of gunpowder and all combustibles, explosives and dangerous materials within the city, and to regulate and prohibit the transportation of the same through the streets, alleys or public highways of the city, and to regulate and prohibit the use of candles or other lights in stables, out houses, and other like houses.

To regulate and prescribe the manner and order of building parapets, partition walls, fire walls, and partition fences.

To compel the owners, lessees or occupants of all build-

ings to have scuttles on the roofs, and stairs or a ladder leading to the same, and to provide such buildings with adequate fire escapes and apparatus and appliances therein for protection against fire.

And generally to establish such regulations for the prevention and extinguishment of fires as the council may deem expedient.

SEC. 95. To prohibit, punish and suppress any act, conduct, pursuit, employment, practice, game, sport, or contest, place or thing whatsoever, dangerous to the lives or property, or injurious to the morals or health, of the inhabitants of the city, or detrimental to the peace, order or reputation of any neighborhood or persons therein, or subversive of good order; and in exercise of such police powers, to prevent and suppress bawdy houses, houses of ill fame and fornication, prize fights, dog fighting, cock fighting, gaming and gambling houses, and slot machines, and to destroy instruments for gaming, and to prevent and suppress mock auction houses, pool rooms and betting rooms, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any and all persons who may engage in such game or games, or who keep or frequent such houses or places, or set up or permit the same, and to prohibit the sale, distribution or giving away, directly or indirectly of lottery tickets, notices, certificates, and advertisements of lotteries, and lottery drawings, and to suppress places where lottery tickets, notices, circulars, and advertisements of lotteries, and lottery drawings are kept, sold, distributed or given away; to prevent and suppress opium smoking and houses or places kept therefor, and to punish the keeper of such house or place, or any person who smokes opium therein or frequents the same; to regulate the sale of cigarettes, cigars and tobacco and to prohibit the sale of the same to minors.

And to define and punish all misdemeanors, whether the same be defined and punished by general laws of the State, or not; but no offense shall be punished by a smaller penalty than is imposed by general law for the same offense.

SEC. 96. To prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates, exhibits or disposes of such literature, books, papers, prints, pictures and the like.

SEC. 97. To license, tax, regulate and restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

SEC. 98. To restrain and punish vagrants, mendicants, street beggars, gamblers and prostitutes, and to define who shall be considered and treated as vagrants.

SEC. 99. To require all railways and railroads to provide proper fenders and other safety appliances and the most approved machinery and methods for their cars and tracks and the operation thereof for the protection of human life and the lessening of danger thereto, and to make all needful regulations for the operation of the same so as to protect human life, and to enforce all such regulations by such fines and penalties as may be prescribed by ordinance, subject to the limitations of this act.

SEC. 100. To regulate the prices to be charged by telephone, telegraph, gas and electric light companies, and to compel them and all persons and corporations using, controlling or managing electric wire for any purpose whatever, to put and keep their lines under ground, and to regulate the use of all such wires and the connections therewith.

SEC. 101. To require efficient service of all public service corporations; to require the adoption of approved appliances for the protection of life, and for the comfort and convenience of the public; to require adequate facilities, accommodation and service; and to revoke the franchises of corporations which fail to comply with the provisions of ordinances passed under the authority of this section.

SEC. 102. To control, regulate and prohibit the emission of dense smoke from chimneys and chimney stacks of buildings, manufacturies, locomotives, or engines, within the city; and to regulate, control, prohibit and prevent the emission of dense smoke in any manner in said city.

SEC. 103. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to children or animals, and to authorize the payment of the same, or any part thereof, to any society organized and maintained for the prevention of such cruelty.

SEC. 104. To restrain and prohibit the selling or giving away of any wines, intoxicating or malt liquors by any per-

son within the city other than those duly licensed; to forbid and punish the selling or giving away of any wines, intoxicating or malt liquors to any woman, minor or habitual drunkard.

SEC. 105. To establish, change, discontinue, or re-establish and maintain prisons, jails, police stations, work houses, houses of correction, houses of refuge, and all other necessary penal and charitable institutions; to make all needful regulations and appoint all proper keepers and assistants therefor; to purchase, condemn, rent or lease, within the limits of the city, or elsewhere, any real or personal property for such purposes, and to control, manage, improve, sell, lease, or otherwise dispose of the same for such purposes and considerations as the council may deem proper for the public welfare, subject to the limitations in this charter elsewhere provided.

SEC. 106. To provide for the support, maintenance and confinement of insane persons, and to make suitable provisions for the maintenance and support of poor persons.

SEC. 107. To provide for the enumeration of the inhabitants of the city for any purpose whatever.

SEC. 108. And the council shall have power to impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of this charter or of any ordinance, and the moneys derived therefrom shall be appropriated to the use of the city of Lewiston exclusively; to punish the violation of any provision of this charter, or any ordinance of the city, by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed three hundred (\$300) dollars, nor imprisonment exceed six (6) months for any one offense. Any person upon whom any fine is imposed shall stand committed until the payment of the same, with costs, and in default of such payment shall be imprisoned in the city prison, the work-house, house of correction or house of refuge, as the court may direct; or in case of women and minors, in such other place as may be provided for them at public or private expense, to be designated by the court before whom conviction is had. Every person so imprisoned in the city prison, the work-house, house of correction or house of refuge, or other place as herein provided, shall be required to work for the city at such labor as his or health and strength will permit, within or without said prison, work-house, house of correction, house of refuge, or other place, not exceeding ten hours each working day; and

for such work such person shall be allowed, exclusive of his or her board, \$2.00 per day for each day's work on account of said fine and costs. No city prisoner shall be required to labor outside the prison walls while in manacles.

This paragraph shall not be construed as limiting the city to the particular mode or method of enforcing its ordinances, as aforesaid; but the city shall have the right to enforce the same by any appropriate method, which is not inconsistent with, or in violation of the Constitution or laws of the State of Idaho, or of the United States.

SEC. 109. The mayor and council may prescribe the duties of city officials, in addition to the duties herein prescribed, and shall have general control and direction of all officers, agents and employes of the city, subject to the limitations in this act contained.

SEC. 110. The mayor and council may, from time to time, provide for the codifying, revising, simplifying, arranging and consolidating the laws, ordinances, resolutions, and rules of the city, and thirty days after the same have been by ordinance accepted by the council they shall be in full force and effect, and no ordinance, resolution or rule included in any such code of the city issued under the provision of this section need be published in a newspaper, or otherwise than in such code.

SEC. 111. The mayor and council shall have control and supervision over all the departments of the city, and to that end shall have power to make and enforce such rules and regulations as they may see fit and proper for and concerning the organization, management and operation of all the departments of said city, and whatever agencies may be created for the administration of its affairs.

SEC. 112. The mayor and council shall have power to provide for the selection of agents, officers, and employees of the city under civil service rules, and to make and enforce such rules and regulations as may be necessary for the selection of efficient and competent persons, and for the maintenance of efficiency in all departments of the service of the city.

SEC. 113. The council shall by a majority vote designate from among its members one councilman who shall be known as the police commissioner and who shall have under his special charge the enforcement of all police regulation of said city; and one councilman who shall be known as the fire commis-

sioner, who shall have general supervision and charge over the fire department; and one councilman to be known as the commissioner of streets, who shall have under his special charge and supervision all the streets, alleys and public grounds of the city and be charged with the duty of lighting the streets and keeping the streets, alleys and public grounds in a clean and sanitary condition, and with the enforcement of all rules and regulations to these ends; and one councilman to be known as the commissioner of public property, who shall have under his special charge the supervision of all public improvements, except as herein otherwise provided, and shall see that all contracts therefor are faithfully complied with, and that the conditions of the grant of any franchise and privilege are faithfully performed, and shall have general charge and supervision of all public buildings and property within the city; and one councilman to be known as the water-works and sewerage commissioner, who shall have under his special charge the construction, maintenance and operation of the water-works and sewer systems and departments of said city, and shall see to the enforcement of all regulations with respect to said departments and with respect to all the revenue pertaining thereto; and one councilman to be known as the commissioner of finance and revenue, who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind, for the collection of all revenues belonging to said city from whatever source the same may be derived, and who shall also examine into and keep informed as to the finances of such city.

It shall be the duty of such commissioners to acquaint themselves with the details of the matters and departments intrusted to their care and to generally supervise, direct and control the public work in their respective departments, and each commissioner shall be prepared to advise the other members of the council and the public in detail upon any matters intrusted to his special supervision at any meeting.

CHAPTER V.

THE MAYOR.

SEC. 114. The mayor is the chief executive of the the city and must exercise a careful supervision over its general affairs and subordinate officers; he shall see that the laws and ordinances of the city are enforced and shall perform such

other duties as are prescribed by this charter or the ordinances of the city.

SEC. 115. The mayor shall take and approve all official undertakings which this act or the ordinances of the city may require and officer to give as security for the faithful performance of his duties, or any undertaking which may be required of any contractor for the faithful performance of his contract; and when he approves such undertaking he must immediately file the same with the city clerk.

SEC. 116. At the first regular meeting of the city council after the induction of the newly elected mayor and councilmen, in office, the mayor shall nominate, subject to confirmation by the city council, one of the council who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as councilman, but shall receive no extra pay by reason of being or acting mayor pro tem.

SEC. 117. If for any reason the mayor does not attend any meeting of the council or is absent from the city, sick or unable to perform the duties of his office, the mayor pro tem shall act as mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the mayor. In the absence or disability of both the mayor and mayor pro tem, or if neither is present at any meeting of the council, the council shall designate one of their members who shall act as mayor pro tem, during such absence or disability of the mayor and mayor pro tem.

SEC. 118. In case of the death, resignation or permanent disability of the mayor, or whenever a vacancy in the office of the mayor shall occur for any reason, the mayor pro tem shall possess all of the rights and powers of the mayor, and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until the next general election, when a mayor shall be elected.

SEC. 119. Every ordinance or resolution of the city council shall, before it takes effect, be presented to the mayor for his approval and signature. If he approves it, he shall sign it; if he disapproves it, he shall specify his objection thereto in writing at the next regular meeting of the city council, and return the same to the city clerk with such disapproval. If he does not return it to the city clerk with such disapproval,

nor sign it, it shall upon the expiration of ten (10) days be in effect and force, the same as if he had approved it.

The city council may, in case of the veto of any ordinance or resolution by the mayor, pass the same over the veto of the mayor by a two-thirds vote. In case the mayor's veto is sustained, the matter shall not again come before the council within six (6) months without the mayor's written consent first obtained; in ordinances or resolutions making appropriations, the mayor may veto any or every item therein, but such veto shall only extend to the items so vetoed, and those which he approves shall become effective, and those which he disapproves shall not become effective, unless passed over his veto in the manner above specified.

SEC. 120. The mayor shall have and exercise such powers, prerogatives, and authority acting independently of or in concert with the city council, as are conferred by the provisions of this act, or as may be conferred upon him by the city council, not inconsistent with the general purposes and provisions of this charter, and shall have the power to administer oaths, and shall sign all contracts and conveyances and shall have the right and authority at any time to suspend any officer or employee of the city subject to the provisions of this act; *Provided, however*, he shall not have the right to suspend the city controller, except by acting in concert with the councilmen, as herein provided.

SEC. 121. It shall be the duty of the mayor from time to time to make such recommendations to the council as he may deem to be for the welfare of the city.

CHAPTER VI.

CITY OFFICERS.

SEC. 122. It shall be the duty of the controller to superintend and supervise the fiscal affairs of the city and to manage and conduct the same as prescribed by this act and by the ordinances and resolutions of the city council passed under its authority; he shall give a bond in such sum as may be required by the council, conditioned that he will faithfully and honestly perform and discharge the duties of the office as the same are herein defined, and as they may be prescribed by ordinance, not inconsistent with the provisions of this act.

The controller shall keep the books of account of the city of Lewiston and make such financial report and statements

as are provided by the terms of this act or may be required by resolution, ordinance or order of the council. His books of account shall exhibit accurate and detailed statements of all moneys received and expended for the account of the city by all city officials and other persons, and shall show in detail the property owned by the city and the income derived therefrom.

He shall also keep separate accounts of each and every appropriation made by the council, showing the date thereof and the purpose for which the same is made, and shall show for what each payment of any public money is made, and the manner of making the same, and to whom the same is made.

He shall keep a separate and controlling account with each department of the city government, and also such other accounts as may be necessary to show a complete financial statement of the city, and he shall be prepared at every regular or special meeting of the council to give such information concerning the finances of the city as the council may require.

All warrants or orders for the payment of any public moneys for any purpose shall be signed by the mayor and controller. No warrant not signed by the controller shall be authority for the payment of any public funds whatever, but the controller shall in no instance, unless the money is in the treasury and in the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose.

He shall not sign any contract or conveyance, nor make nor execute any warrant or order for the payment of any sum of money, unless the same be legal and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor.

He is hereby authorized to administer oaths and to compel and require persons presenting claims to answer such questions as may be propounded to them touching the correctness of any account or claims against the city, and to produce additional evidence, if required.

He shall require all persons who may have received any moneys belonging to the city without accounting therefor, to settle their accounts, and it is hereby made his duty, from time to time, to require all persons receiving moneys, or having the disposition or management of any property of the city, of which an account is kept in his office, to render statements

thereof to him: *Provided*, That no warrant or order shall ever be issued in favor of any person or corporation, or to the assignee or agent of any person indebted in any manner for taxes, or otherwise, to the city, unless such debt so due and owing to the city to be paid.

No disbursing officer of the city, nor any one having money in his possession for the account of the city shall pay the same to any person or persons for the account of the city, except to the regularly designated officer or custodian of the public funds for the city, except upon draft or warrant, signed by the controller, and the controller shall not sign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized and the appropriation therefor duly made, and that the appropriation has not been exhausted.

The city controller shall, on or before the first Monday in July of each year, prepare and transmit to the council a report of the financial transactions of the city during the preceding fiscal year, and of its financial condition at the date of such report. The report shall contain an accurate statement, in summarized form, and also in detail, of all the receipts of the city from all sources, and the expenditures of the city for all purposes, together with a detailed statement of the debt of the city, and the purposes for which such debt was incurred, and of the property of the city, and of the accounts of the city with the grantees of franchises.

In addition to the annual statement herein required, and of the reports which may be demanded by the council from time to time, it is hereby made the duty of the controller to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate statement of the financial affairs of the city, and if any officer of any department or any employee of the city shall fail to make such stated or stipulated reports as and at the times required, either by the mayor, controller, or city council, it shall be the duty of the controller to report such delinquency to the mayor, and further, to report, at any time, any carelessness or negligence of any officer or employe in making or stating reports covering any matter within the range of the duty of such office or employe. The controller may at any time examine the books, accounts, and records of any officer, agent, or employe of the city; and any such officer, agent, or employe re-

fusing to submit his books, accounts, vouchers, memoranda and records for such examination shall be summarily removed by the mayor and council, and when any defalcation or gross irregularity is discovered by the controller, he may at once seize all records and property of the city in possession of the officer or employe guilty of such defalcation or gross irregularity, and hold the same until the mayor and council shall have acted upon the matter.

On or before the first Monday in August of each year, the controller shall prepare and certify to the council a statement of the amount necessary to be raised by taxation in that year to pay the interest accruing or to accrue in that year upon the bonded indebtednesses of the city, and to raise and provide such proportionate part of the principal of such bonded indebtedness as is required to be raised and provided by taxation in such fiscal year.

The city of Lewiston shall have the right to regulate the rates, fares, tolls, and charges to be collected from the public by any holders, owners, operators, persons or corporations enjoying any grants or franchises from the city pertaining to public utilities, including the furnishing of lights, water, telephones, street car service, and other utilities pertaining to a public, or quasi public, duty, and the right and authority is hereby given to the mayor and to the city council to require the city controller, or such other officer or employe as may be designated, to examine and carefully inspect all of the books, accounts, papers and documents, as well as the property of such persons or corporations using or enjoying any of such grants or franchises as above stated, and to make such reports thereof as may be required by the mayor or city council when deemed necessary, for the following purposes:

1. When such franchise or grant was made upon the consideration and agreement that the city should receive a per cent or portion of the revenue derived from the use of such grant or franchise.

2. When the persons or corporations above referred to have listed their property for taxation at a valuation deemed by the city council, or the mayor, to be below its actual value, or have failed to list the same for taxation.

3. When the city council desires to fix the rates, fares, tolls or charges which such persons or corporations shall charge the public for water, lights, transportation or other

services rendered or furnished under such franchises and the information is desired or deemed necessary as a basis upon which to fix a proper rate.

4. When the mayor or city council have directed the individuals or corporations above referred to, to extend their lines and surveys, or to make other improvements necessary for the public comfort and convenience, or to make improvements or betterments of their property, and such persons or corporations object thereto on the ground that the income from their property used under such franchise is not sufficient to justify the same.

5. When the holder of any such franchise is believed by the mayor or council to have contributed or furnished any money or things of value for the purpose of influencing or affecting any city election, or for the purpose of influencing or affecting any officer, agent or employe of the city in any matter touching the official duty of such officer, agent, or employe.

When any question of taxation, finance, revenue, appropriation or disbursement is under discussion in the council, the controller shall have the privilege of the floor.

The controller may affix the seal of the city of Lewiston to all instruments executed by him and requiring such seal.

SEC. 123. It shall be the duty of the city clerk to keep a fair and correct journal of the proceedings of the mayor and council; to file and keep all books and papers of the city council; to keep and preserve all records and books intrusted to him; to affix the seal of the city to instruments required to be executed by him under the city's seal, and to perform such other duties as may be prescribed by this act, and by the ordinances and resolutions of said city duly and regularly passed.

SEC. 124. It shall be the duty of the registrar to administer oaths to and register electors, and keep a record of the registrations of all duly qualified electors in said city. All such records shall be open to public inspection at any time, and the registrar shall furnish certified copies of such records to any person upon seasonable application therefor and upon payment of twenty (20) cents per folio, and he shall perform such other duties as may be required of him by law or ordinance.

SEC. 125. It shall be the duty of the water rate collector to receive all payments made on account of water furnished

by the city; to report and account for the moneys received on or before the last day of each current month, and to keep such records and accounts in connection with the work of his office as may be prescribed by the city council, and perform such other duties as may be required by resolution or ordinance.

SEC. 126. The police judge shall have exclusive jurisdiction over all offences defined by any ordinance of the city, and of all actions brought to enforce or recover any penalty or forfeit declared or given by any such ordinance and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. He shall have jurisdiction concurrent with and shall perform all of the duties required of the police judge under the general laws of the State and all amendments that may be made thereto not in conflict with nor inconsistent with the provisions of this act. The practice in all civil or criminal proceedings before such police judge under and by authority of this act shall be governed and regulated by the general laws of this State and all amendments that may be made thereto relating to practice in police courts. He may remit penalties or portions thereof and may suspend sentence during good behavior.

If the police judge is absent from the city or disqualified, or for any reason unable to perform the duties of his office, the same may be performed by some justice of the peace within the city, who shall be designated by the mayor as police judge pro tem, and he shall act with the same power and authority given to the police judge.

The mayor and council may, by ordinance, provide for, and may appoint one or more additional police judges, with like power and authority, when necessary.

SEC. 127. The chief of police is a peace officer and must execute the process issued by the police judge. He and all police officers of the city shall have power to arrest all offenders against the laws of the State of Idaho or of the city by day or by night, in the same manner, with or without warrant, as other peace officers in cities might do under the general laws of the State. He and all police officers of the city may arrest without warrant, by day or by night, for any offense committed in the presence of such officers, or where the officer has reason to believe that a crime is about to be committed, or that such arrest is necessary to prevent the commission of an

offense against the laws of the State of Idaho, or of the United States, or of such city, or where such officers are resisted in the performance of any duty imposed upon them by law or ordinance, or where such arrest is in the opinion of such officer necessary to prevent the escape of a person charged with having committed an offense or crime.

The chief of police shall exercise a vigilant control over the peace and quiet of the city; he shall be the keeper of the city prison, unless otherwise prescribed by ordinance; he shall perform such other duties as may be required of him by ordinances and resolutions duly and regularly passed by the city council. All policemen of the city of Lewiston shall possess the same power and authority as the chief of police in making arrests and the preserving of order and prevention of crime.

The chief of police shall keep, or cause to be kept, a correct record of all arrests made by him or the policemen, showing the time and cause of complaint upon which such arrest was made, and must make a full and complete report in writing each month to the council.

The council shall provide rules and regulations for the organization and administration of the police department, and shall provide the method for the selection of policemen and shall create such other officers as may be necessary for the efficient conduct and administration of the police department.

SEC. 128. The chief of the fire department shall, subject to the direction and control of the mayor and council, have the supervision of the fire department. The council shall by ordinance provide for the organization and maintenance of such department, and shall create such offices as may be necessary for the efficient administration thereof.

SEC. 129. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his opinion and advice concerning any matter affecting the city when required by the mayor or council. He shall perform such other duties as may be prescribed by the ordinances and resolutions of the city. The council may, when in their opinion it is expedient, employ additional counsel, and may provide regular assistants for the city attorney.

SEC. 130. The city engineer shall, subject to the direction and control of the mayor and council, have supervision of the engineering department. The council shall by ordinance provide for the organization and maintenance of such department,

and shall create such offices as may be necessary for the efficient administration thereof.

SEC. 131. The health officer shall, subject to the direction and control of the mayor and council, have supervision of the department of health. The council shall by ordinance provide for the organization and maintenance of such department, and shall create such offices as may be necessary for the efficient administration thereof.

SEC. 132. The street superintendent shall, subject to the direction and control of the mayor and council, have supervision of the street department. The council shall by ordinance provide for the organization and maintenance of such department, and create such offices as may be necessary for the efficient administration thereof.

SEC. 133. The superintendent of the water works shall, subject to the direction and control of the mayor and council, have supervision of the water department and sewers. The council shall by ordinance provide for the organization and maintenance of such department, and create such offices as may be necessary for the efficient administration thereof.

SEC. 134. The city assessor must annually make a correct list of all property subject to taxation by the city with the valuation thereof, and certify and return the same to the controller. He shall also perform such other duties as may be hereinafter contained relative to the assessment of property, within the limits of the city, and do and perform all things which may be prescribed by ordinances and resolutions of the council duly and regularly passed.

SEC. 135. The city treasurer must receive and keep all money that shall come to the city by taxation, or otherwise, and pay out the same upon the warrant of the mayor and controller. He must keep an account of the general fund, and a separate account of the separate funds that may be created for any specific object, and when a warrant is drawn on any particular fund, it can be paid only out of such fund. He must report all the receipts and expenditures to the council at least once in each month, and must make a semi-annual report at the first regular meeting in the months of January and July of each year. He shall perform such other duties as may be prescribed by this act, and by the ordinances and resolutions of the city.

He shall deposit and keep all moneys of the city in such

depositories as may be contemplated in this act, and provided by ordinances of the city, and shall deposit all of such moneys upon interest in the manner provided in this act, and by ordinances duly and regularly passed under its authority. Where any investments are authorized to be made by the terms of this act and by ordinances passed under its authority, the city treasurer shall make such investments upon the order of the mayor and council.

He shall not be liable upon his official bond, or personally, where he is free from fault or negligence, for any loss sustained through the failure, default or misconduct of any depository, or on account of any investment authorized by this act, or by ordinances passed under the authority of this act.

SEC. 136. The council may require any officer or employe of the city to submit a verified report upon any matter pertaining to his official duties. The making of any false or untrue statement knowingly, or where such officer or employe should have known the truth, in any such verified report, shall be perjury, and punishable as such under the general laws of the State.

CHAPTER VII.

TAXATION.

SEC. 137. The council has full power and authority, within the limits of the city of Lewiston, to assess, levy and collect taxes for current expenses and general municipal purposes, not to exceed fifteen mills on the dollar per annum, upon all property, both real and personal, which is taxable by law for State and county taxes, and shall, in addition, assess, levy and collect in each fiscal year, a tax upon such real and personal property for the payment of the amount which may be certified to them by the controller to be raised by taxation for the payment of the principal of and interest upon the outstanding bonded indebtedness of the city.

SEC. 138. To annually assess, levy and collect, in addition to the taxes for general municipal purposes, a tax, not exceeding one-half ($\frac{1}{2}$) of one (1) mill on the dollar, on all taxable property within said city, for the purpose of establishing, maintaining or assisting in maintaining, a public library and reading room.

SEC. 139. To levy, assess and collect taxes for special improvements, as in this act provided.

SEC. 140. That before any levy and appropriation for general municipal purposes shall be made, it shall be the duty of the mayor and council to prepare an estimate of the probable amount of money necessary for all general purposes to be raised in the city during the fiscal year for which the levy and appropriation is to be made, including interest and principal due on the bonded debt and sinking fund, as certified by the controller, classifying the different objects and branches of expenditures as near as may be, with a summarized statement of the entire revenue of the city for the previous fiscal year, and shall enter the same at length upon its minutes, and cause the same to be published one time in some daily newspaper in the city of Lewiston. But the failure so to do shall not invalidate any levy of taxes.

SEC. 141. Prior to the first day of July of each year, the city assessor must complete the assessment of all property subject to taxation within the city, and certify and return the assessment roll to the controller. The assessment shall be made under the general rules of the State of Idaho, and with like effect, so far as the general laws or amendments thereto are or may be applicable hereto and not inconsistent herewith.

SEC. 142. Each tax payer in said city shall make and deliver to the city assessor annually during the period for assessment, in like manner as statements are returned to the county assessor, a statement under oath setting forth specifically all the real and personal property owned by such tax payer, or in his possession, or under his control at twelve o'clock noon on the second Monday of January, next preceding, and of such additional property in his possession or under his control as may have been brought into the city prior to the time of rendering such statement and subsequent to the second Monday in January, next preceding. The city council shall cause such statements to be prepared and printed for the use of the assessor. If any tax payer shall fail or refuse to render such statement under oath, the city assessor shall proceed in like manner and with like authority as the county assessor in like cases.

The city assessor shall, in general, have the same powers and perform the same duties with respect to the assessment of the city taxes as the county assessor has, and performs in respect to the assessment of county and State taxes.

SEC. 143. It shall be the duty of the assessor to collect taxes on all personal property when the owner of such prop-

erty is not seized of real estate in said city sufficient to afford ample security for the collection of such taxes. In such cases he shall proceed in like manner and with like authority as the county assessor in similar cases and in all such cases he shall be governed in fixing the amount of tax by the rate of the tax levied for the preceding year.

SEC. 144. Upon the second Monday of July in each year, the city council shall sit as a board of equalization, and shall have the same powers as a board of equalization that are given to the county board of equalization, and any person feeling himself aggrieved by any assessment either in valuation or listing of property, may apply to the council, sitting as a board of equalization, to have such assessment revised, and if the board of equalization, on examination deem the same erroneous, they must correct it. All acts and proceedings of the city council, sitting as a board of equalization shall be conducted in the same manner as is provided by the general laws of the State of Idaho, and all amendments that may be made thereto, for the county board of equalization, so far as the same are not inapplicable to nor inconsistent with this act. Such meeting may adjourn from day to day and from time to time until the work of equalization is completed.

SEC. 145. Prior to the meeting for the equalization of taxes, the council shall cause notice thereof to be published for five consecutive days in some daily newspaper published in said city, and no other or further notice shall be required. But if at any such meeting, or any adjournment thereof, any assessment is sought to be raised, notice thereof shall be given to the parties interested, in the same manner as is required by law of the county board of equalization.

SEC. 146. On or before the second Monday in September in each year, the council shall determine the rate of the city tax, and levy the same by ordinance.

SEC. 147. Immediately after the levy, as provided in the preceding section, the city assessor shall extend the taxes upon the tax roll and total the same, and return the same to the controller, and as soon as may be thereafter such roll shall be returned to the council at any general or special meeting, and approved, and the controller shall certify such approval upon the roll, and shall, as soon as may be thereafter, transmit the same to the county assessor and tax collector of Nez Perce County, Idaho, who shall be charged upon the books of the city therefor.

SEC. 148. The general city taxes of the city of Lewiston shall be controlled by the county assessor and tax collector of Nez Perce County. When the controller of the city of Lewiston shall certify to the county assessor and tax collector of Nez Perce County, and shall deliver to him any city assessment roll, showing the property assessed, the name of the owner of such property, if known, together with the amount assessed against the same, it shall then be the duty of the county assessor and tax collector of Nez Perce County to extend on the general tax roll of the county, in a separate column, the amount assessed against the property mentioned in such city assessment roll. It shall then be carried into a column of aggregates, including said county and city taxes, and shall be collected by the county assessor and tax collector of said county at the time and in the manner provided by the laws of the State of Idaho and any amendments that may be made thereto for collecting State and county taxes, and the assessor and tax collector of Nez Perce County is hereby given the same powers respecting the collection of such city taxes and the sale of delinquent property as are or may be hereafter conferred respecting the collection of State and county taxes.

SEC. 149. It shall be the duty of the county assessor and tax collector to pay to the city treasurer every thirty (30) days, all moneys collected by him on city taxes, and he shall take therefor the treasurer's duplicate receipt, one copy of which shall be filed in the office of the assessor and tax collector of such county, and the other, within ten (10) days after the issuance thereof, shall be filed with the city controller of the city of Lewiston, and on or before the first Monday in July of each year the county assessor and tax collector shall make a final settlement with the city treasurer respecting such city taxes, and shall pay over all money then due the city, including the city's proportionate amount of delinquent city taxes, interest and cost on all tax sales and redemptions therefrom.

SEC. 150. All general city taxes levied and assessed under the provisions of this act shall become due and delinquent, and shall attach to and become a lien on the real property assessed, at the same time as State and county taxes, and all the provisions of the general revenue laws of the State of Idaho, and all amendments that may be made thereto governing and in aid of assessing and collecting State and county taxes, are hereby made applicable to the assessment and col-

lection of such city taxes wherever the same are not inapplicable to nor inconsistent with the provisions of this act.

SEC. 151. All officers of Nez Perce County intrusted with the collection, paying over and custody of such city taxes and their sureties shall be liable upon their official bonds for the faithful performance of their duties in the collection, safe keeping and delivery of such city taxes.

SEC. 152. The county assessor and tax collector of Nez Perce County shall furnish and give good and sufficient bond in an amount to be fixed by the council of the city of Lewiston, to secure the faithful performance of his duties in the collection and payment of the city taxes, the premium for which shall be paid by the county.

SEC. 153. The city of Lewiston shall pay to the county of Nez Perce one (1) per cent of the amount of city taxes collected, and such payments shall be in full for the services and compensation of the county assessor and tax collector and all county officers in collecting and paying over such city taxes.

SEC. 154. The council shall also have power, when it shall appear that any tax or assessment is illegal, or that a double assessment has been made, to vacate, modify or set aside the assessment, in whole or in part, by a two-thirds vote. The controller shall certify to the county assessor and tax collector the taxes or assessment so vacated or modified, and shall give the county assessor and tax collector credit therefor upon his account, and the county assessor and tax collector shall make the proper notations upon his assessment roll.

SEC. 155. The council, may by ordinance, provide for the levy and collection annually from each elector of the city of Lewiston of a poll tax in the sum of three dollars, and may provide that the tax payers shall in their statements returned to the assessor, declare whether or not they are electors of the city of Lewiston, and may provide for the extension of such poll taxes upon the tax roll and the collection of the same, in the same manner that other general city taxes are collected.

Where the council shall provide for the levy and collection of any such poll tax by ordinance they shall also provide that the registrar shall certify and return to the council a list of all electors of the city who have duly registered and voted at the last preceding general election, and each of such electors voting at such preceding general election shall be given

a credit of three dollars to apply against the poll tax so assessed, and such amount shall be credited upon the tax roll prior to the delivery of the same to the county tax collector.

SEC. 156. When any property shall escape taxation for any year, the same shall be doubly assessed in the next succeeding year, and taxes collected at the rate established for such succeeding year on such double assessment.

And when, as the result of any invalidity in any assessment or levy, or as the result of any suit or action to enjoin or restrain the collection of any assessment, or to set aside, vacate or annul, any tax, any property shall escape the payment of taxes, such property shall be doubly assessed and taxes collected at the established rate on such double assessment, in the next succeeding year after the final determination of such suit or action.

CHAPTER VIII.

FINANCE AND REVENUE.

SEC. 157. The mayor and city council shall have the general control of the fiscal affairs and financial management of the city of Lewiston, subject to the limitations contained in this charter.

The fiscal year of the city shall begin upon the first Monday of July of each year.

SEC. 158. The mayor and council shall, at the beginning of the fiscal year next after each general election, or whenever the occasion may require, select the bank, banks or banking institutions in the city of Lewiston which will give the highest rate of interest for a period of one or two years, for the deposit of the current funds of the city, estimated on daily balances, and paid monthly on the first business day of each calendar month, and the treasurer shall keep the city's current funds in the bank, banks or banking institutions so selected.

Before any deposit shall be made in any bank or banking institution so selected, the bank or banking institution shall execute to the city of Lewiston its bond, payable to the city of Lewiston, and signed by not less than three (3) freeholders of the city, or by one or more surety companies, duly authorized by the laws of this State to do business therein as sureties, which bond shall be in a penal sum of at least one hundred ten per cent (110 per cent) of the maximum amount

D. 349, '07L
H. B. 121, §158
§160 Amended
D. 96, '29L

of moneys of the city to be at any one time on deposit in such bank or banking institution, and be conditioned for the repayment to the city on demand of all moneys deposited with such bank for the city. All such bonds, and the sureties thereon, shall be approved by the mayor and council and such bank or banking institutions shall keep the sureties on such bond satisfactory to the mayor and council at all times.

No stockholder of any such bank or banking institution shall be accepted as surety upon any such bond, unless the mayor and council are satisfied from personal investigation that the solvency and financial responsibility of such stockholder could not be affected by the failure of such bank or banking institution. Except in the case of bonds by surety companies, and sureties upon all such bonds shall justify in the manner required of sureties on attachment bonds; and the making of a false or untrue statement upon such justification shall be perjury and punishable as other case of perjury.

If a bond with freeholders as sureties be given as above provided then in addition to such bond, such depositary or depositaries shall deposit and keep with the city treasurer of the city of Lewiston, good and valid bonds of the United States, or of any State, or bonds of the county of Nez Perce, or of the city of Lewiston, or special improvement bonds, or warrants of the city of Lewiston, or unmatured promissory notes secured by a first mortgage upon farm lands in the county of Nez Perce, State of Idaho, as hereinafter provided, in a sum equal to one hundred ten per cent (110 per cent) of the maximum amount to be deposited with such depositary at any one time.

All of such securities shall be approved in writing by the controller, prior to acceptance; and in case of first mortgage notes, as above provided, no such note shall be accepted for a less sum than one thousand dollars, nor shall any such note be accepted which does not provide for the payment of a reasonable attorney's fee in case of suit or action thereon; and with each mortgage note there shall be presented by such depositary an abstract of title showing a good, sure, perfect and indefeasible estate in fee simple, in the mortgagor or mortgagors, free and clear of all liens, clouds and incumbrances of whatsoever kind, and each of such abstracts shall, prior to acceptance, be examined and approved in writing by the city attorney. No such mortgage note shall be accepted where the principal of the note exceeds in amount, two-thirds of the

assessed value of the land covered by the mortgage by which said note is secured, as determined by the last preceding assessment roll, and the depositary shall furnish with each mortgage a certificate of a bonded abstractor doing business in Nez Perce County, showing such assessed value; and no such mortgage note shall be accepted unless the land by which such note is secured has been assessed upon the last preceding assessment roll of Nez Perce County.

The city treasurer shall keep a record of all securities so deposited with him, showing by whom deposited, amounts, dates, time of maturity of each, and such other information as may be required by the mayor and council. All such securities may be substituted and exchanged from time to time, and like securities deposited for these withdrawn, and the mayor and council or controller may direct the return of any securities which in their opinion have become insufficient or of doubtful value, and may require the depositing of additional or new securities. All securities so substituted or exchanged shall be examined and approved as above provided.

The mayor and council may provide rules, regulations and conditions, in addition to those herein prescribed for the further protection and safety of such funds.

The city of Lewiston is authorized to take title to all of the securities above mentioned when necessary to protect it from loss, and to sell and dispose of the same, and to maintain all necessary actions to collect the same and enforce payment thereof together with such attorney's fees and other costs as may be collectable, and the fees so collected shall accrue to the city of Lewiston.

It shall be the duty of the city clerk, whenever requested by the mayor and council, to cause a circular letter to be sent soliciting bids for keeping the public funds of the city for the time herein specified, and until a new selection shall be made and the funds removed. It shall be the further duty of the city clerk to divide the city funds into three or more parts, as near as practicable, and the bids may be for one or more of such parts. The circular letter shall state the conditions to be complied with by the bidders, and what each bid shall set forth, and what security, if any, is required to accompany each bid that the bidder will comply with the terms thereof, if accepted. The city clerk shall, as soon as he has prepared such circular letter, mail one copy thereof to each of the banks

or banking institutions in the city of Lewiston. Bids sent to the city clerk shall be sealed up in a strong envelope and marked "Bids for safe keeping and payment of deposits of the city funds," and the city clerk shall indorse thereon the time of the receipt of the same. Each bid shall state the number of parts of the funds bid for, and the interest the bank or banking institution making the bid will pay on the average daily balances to the credit of the city in such bank or banking institution, and shall be directed to the city clerk, and by him opened on the day named in the circular letter, in the presence of the mayor and council, who shall select and designate one or more such banks or banking institutions as the depository or depositories of the city funds. The mayor and council may accept the highest and best bid so received for the whole of said fund or for any number of such parts thereof, or they may reject all bids or accept a bid or bids for one or more of said parts and reject the other bids; if a bid or bids for all of the funds be not accepted, they shall immediately direct the city clerk to invite new bids in the manner hereinbefore provided, and for the parts of said funds for which no bid is accepted. The treasurer shall pay all money earned as interest on deposits of city funds not belonging by law to some special or particular fund, into the general fund. He shall not be responsible for any loss from any failure or default of such bank or banking institutions.

CHAPTER IX.

SINKING FUNDS.

SEC. 159. The council shall have power to invest all money in any sinking fund of the city, in bonds of the United States, in State and county bonds, and bonds of municipal or quasi municipal corporations of the State of Idaho, except bonds of the city of Lewiston; and the principal so invested, together with all interest and profit realized therefrom shall be returned to and be placed in the sinking fund from which the same was taken immediately upon the maturity of such investment.

SEC. 160. The mayor and council shall have power and authority to select and designate some bank, banks or banking institutions in the city of Lewiston, which will give the highest rate of interest for a period of from one to five years, as the mayor and council may determine, for the deposit of

the moneys in the sinking fund or sinking funds of the city, estimated on average monthly balances and paid quarterly on the first business day of January, April, July and October, and the treasurer shall keep the city's sinking fund or sinking funds in the bank, banks or banking institutions so selected.

Before any deposit shall be made in any such bank, banks or banking institutions so selected, such bank, banks, or banking institutions shall execute a bond and if the surety thereon is not a bonding company, shall deposit securities of the same kind and in like manner, and with like conditions as is required of depositaries for the current funds of said city, in a sum equal to one hundred ten per cent (110 per cent) of the maximum amount to be deposited at any one time with such depositary or depositaries. Such undertaking and securities shall be submitted and examined, approved, kept and maintained in the same manner as the undertakings and securities required of depositaries of the current funds. Bids for the deposits of the sinking fund or sinking funds of the city shall be solicited, received and opened in the same manner as is required in the case of bids for the deposits of the current funds of the city, but the council may provide that all bids shall be made for the total amount of moneys in the sinking fund or sinking funds of the city, and may provide for a deposit of all moneys in such sinking fund or sinking funds with one such bank, or banking institutions.

Securities deposited under this section by any such bank, or banking institution, may be substituted and exchanged from time to time, and like securities deposited for those withdrawn in the same manner as is provided in the case of depositaries of the current funds of the city, all such securities being approved in the same manner that the original securities were approved; and the council may in like manner require new or additional securities to be deposited, and may provide rules, regulations and conditions, in addition to those herein prescribed for the further protection and safety of such funds; and the city of Lewiston is in like manner authorized to take title to all such securities where necessary to protect it from loss, and to sell and dispose of the same, or to sue upon and collect the same, together with such attorney's fees and costs as may be collectable thereupon.

All such funds may be withdrawn at any time from any depositary which is, in the opinion of the council, insolvent, or in danger of insolvency.

The treasurer, while free from negligence, shall not be liable personally, nor upon his official bond for any default, failure, malfeasance, or misconduct of such depository.

CHAPTER X.

BONDS AND SECURITIES.

SEC. 161. The city of Lewiston shall have power and authority to borrow money and issue therefor its negotiable bonds with negotiable interest coupons attached not to exceed at any time in the aggregate twenty (20) per cent of the value of all taxable property in the said city as shown by the last preceding assessment roll of said city, for any and all of the following purposes:

First. To provide for the purchase or construction and maintenance of necessary water works and supplying the same with water, and to provide for lights for streets, public buildings and grounds.

Second. To provide for the laying, constructing, equipment and maintenance of sewers and drains .

Third. To provide for the grading, paving, construction and laying out of streets and alleys, and the purchase or condemnation of grounds therefor.

Fourth. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of said city, either at this time, or at any future time.

Fifth. To provide for the purchase, construction, establishment and maintenance of hospitals, pest houses and cemeteries, either within or without the corporate limits of said city, and the purchase and acquisition of sites therefor.

Sixth. To provide for the purchase, improvement, equipment and maintenance of lands for the use of public parks, either within or without the corporate limits of said city.

Seventh. To provide for the purchase, construction, erection and maintenance of public buildings, and the purchase or condemnation of building sites for the use of said city: *Provided*, That said city may join with the State of Idaho, or any municipal corporation or subdivision of the State of Idaho, in the purchase, erection, construction and furnishing of a public building and acquiring building sites, and issue bonds for the proportion thereof which shall be used and utilized by the said city.

Eighth. To provide for the establishment, equipment and maintenance of a fire department, and for the purchase of suitable and necessary apparatus and buildings, and building sites for the use thereof, and for all other necessary public improvements.

Ninth. To provide for the purchase or construction and maintenance of any bridge or bridges, across either Snake or Clearwater Rivers: *Provided*, That said city may join with any State, or any other municipal corporation within or without the State of Idaho, or any subdivision of the States of Idaho or Washington, in the purchase, construction and maintenance of any bridge or bridges across either Snake or Clearwater Rivers.

Tenth. To provide for the grading, curbing, guttering, paving, macadamizing, planking or otherwise improving, streets, avenues, highways and alleys of said city.

Eleventh. To pay the city's proportionate part of the cost of any special improvements, which are, in the opinion of the mayor and council, of advantage and benefit to the city at large, where it is desired to construct such improvements partially at the cost of a special improvement district, and partially at the cost of the city, as provided in the sections of this act relating to special improvements, but the city shall not in such case be liable for that part of the cost of such improvements which is assessed upon such improvement district.

Twelfth. To provide for acquiring, purchasing, constructing, operating and maintaining gas and electric lighting plants, machinery and appliances, heating and power plants; and for the acquisition, condemnation, purchase, maintenance and operation of any other works, establishments, plants, machinery and things for the use and service of the public, and authorized by this act to be acquired, owned or operated by said city, including the property and plants of any public service corporations, taken over under the terms of any franchise authorized by this act; and for the purpose of acquiring, purchasing or condemning lands necessary as sites or locations for any of the buildings, plants, utilities or things which the city is authorized to own or operate.

Thirteenth. To provide necessary equipment for any municipal department, and for any other general public and municipal purpose whatsoever authorized by the terms of this

act, whether specifically referred to in this section or not, and for the purpose of performing any duties, or discharging any functions or obligations or exercising any powers expressly or impliedly included in or conferred by this act, when so authorized by an election, as herein provided.

SEC. 162. Whenever the council of said city shall deem it advisable to issue negotiable coupon bonds of said city, for any of the purposes aforesaid, the mayor and council of said city shall provide therefor by ordinance, which shall specify in general terms the purpose of the issuance of such proposed bonds, and such ordinance may refer to any documents, files or records of said city for more specific information; if it is to create a new debt the object thereof must be stated, in general terms, and reference may be had to other records, as above provided, or, if it is to fund or refund any existing indebtedness, it must be generally described, and may be more specifically identified by reference to other records; and the ordinance shall declare the general purpose and the total amount for which such bonds shall be issued, and designate the provisions to be made to pay the interest on such bonds as it falls due, (but such ordinance need not state the specific amount of such interest), and also to constitute a sinking fund for the payment of the principal thereof, within twenty (20) years from the time of the issuance of the same, and shall also provide for the holding of an election of the qualified electors of said city, who are taxpayers of said city, of which notice, in general terms, shall be given by publication for five (5) days in a daily newspaper, as provided for other elections. Such notice may refer to the records for more specific information, and need not state the amount of interest to be provided in such bonds.

Said election shall be conducted as other city elections. One election may be held for the purpose of authorizing several issues of bonds for different purposes, but the electors must be allowed to vote upon each proposition severally. The voting at said election must be by ballot, and the ballots used shall be substantially as follows: "In favor of issuing bonds to the amount of dollars for the purpose stated in ordinance No." and "Against issuing bonds to the amount of dollars for the purpose stated in ordinance No." If at said election, as provided for in this section, two-thirds of the qualified electors voting at said election assent to the issuing of said bonds, and the incurring of

the indebtedness thereby created for the purpose aforesaid, such bonds so authorized for said purposes shall be issued in the manner hereinafter provided.

SEC. 163. Such bonds shall be known as municipal coupon bonds of the city of Lewiston, and shall be issued in such denominations not more than one thousand (\$1,000.00) dollars, and not less than one hundred (\$100.00) dollars each, as the mayor and council may determine.

Such bonds shall be made payable within twenty (20) years from the date of issue thereof. The bonds must bear interest at such rate not exceeding six (6) per cent per annum, as the mayor and council may determine, to be paid on the first day of January, and the first day of July in each year, at the office of the city treasurer, or at any banking house or trust company in the United States which may be designated by the mayor and council. Such bonds shall be redeemable at the pleasure of said city at any time after the expiration of ten (10) years from the date of the issuance thereof, and each bond must be redeemed in the order it is number.

The bonds mentioned in this section must have attached thereto, when negotiated, semi-annual interest coupons, covering the interest expressed in the bonds, from the date of issuance until paid. Such bonds must be signed by the mayor and attested by the controller of the city and bear the seal thereof, and be countersigned by the treasurer thereof, and the coupons attached thereto must be signed by the said treasurer. The signature of the treasurer to such coupons may be lithographed. Each coupon must have annexed to the same a number corresponding with the number of the bond, and each bond must state upon its face the amount for which it was issued, and the date of issue, and be made payable to a person named or to bearer, and must recite that it is issued by virtue of and in conformity and compliance with the provisions of this act, and of the Constitution and all other laws of the State of Idaho.

SEC. 164. The mayor and council must cause notice to be given by the clerk, by publication for five (5) days in some daily newspaper published in said city, of its intention to issue and negotiate such bonds and invite bidders therefor, and after ascertaining the best terms upon which such bonds can be negotiated, must secure the proper engraving or printing thereof, and thereafter have them consecutively num-

bered, and otherwise properly prepared, and executed. Any and all bids may be rejected, or the bonds may be offered in several lots or blocks; and all bonds may be re-advertised and re-offered from time to time, until satisfactory bids are procured. When the bonds are executed, they must each be, by the controller of said city, registered in a public record book, to be kept for that purpose, and therein must be stated the name of the purchaser and the number, date and amount of each bond, time and place of payment, rate of interest and number of coupons attached.

Then the mayor and council must direct the controller, from time to time, in such amounts as they may deem best, to deliver such bonds to the treasurer of said city, and take and file his receipts therefor and charge him therewith; and any duties required of said mayor and council may be performed at any general, special, or called meeting thereof. The said treasurer must, under the general supervision of the controller, deliver such bonds to the purchaser or purchasers thereof, and in no case must such bonds be sold for less than their face or par value, and the accrued interest at the time of disposal. Such bonds may be issued in case of funding or refunding in exchange for or on cancellation of an equal amount of prior indebtedness being funded or refunded. Such bonds and all proceeds derived from the sale thereof must be applied exclusively to the purposes for which the bonds are issued. The city treasurer must keep a record of all bonds disposed of, showing their number, rate of interest, date and amount of sale, and when and where payable, and the name and address of the purchasers, which record must be kept open for the inspection of the public at all reasonable office hours, and he must make detailed statements to the mayor and council or controller, of all his transactions under the provisions of this section, as often as required.

Section 165. The mayor and council must, upon the issue of such bonds, by ordinance, direct to be levied, and must thereafter levy annually upon all taxable property of said city a sufficient sum to pay the interest on all bonds disposed of under this statute, as it falls due, and a sufficient additional sum to constitute a sinking fund for the payment of one-twentieth of the principal of such bonds. And all such taxes must be levied, assessed and collected as other city taxes, until the bonds so issued are fully paid, including the interest thereon.

The faith, credit and all taxable property within the limits of said city, as they now exist, or may hereafter be extended, are and must continue pledged, and the proper officers of said city must continue to assess and collect on all taxable property within the limits thereof, the necessary taxes to pay said bonds and interest as the same become due. Should the tax for the payment of interest on, or the principal of bonds issued under the provisions of this section, at any time not be collected in time to meet such payment, the interest must be paid out of any moneys in the city general or expense fund, and the money so used for such payment of interest must be repaid to the fund from which so taken, out of the first moneys paid therein, and a sum sufficient to cover such deficit shall be levied and collected in the next, or any, succeeding year. It shall be the duty of said treasurer, in case of sale of bonds, to use the proceeds arising from the sale of said bonds in payment of the indebtedness described in said ordinance only. Any failure of any of the officers of said city to comply with any of the provisions of this act shall be deemed a misdemeanor, and any such officer shall be fined in an amount not exceeding the sum of three hundred dollars, and imprisonment in the city jail, not exceeding six months.

That when bonds are issued under this act for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of said city to the profit and benefit of said city, the same may be issued without the submission of the question of the issuance thereof to the electors of said city.

No bond issued under the provisions of this chapter shall be invalidated, annulled or set aside on account of any defect, irregularity, omission, informality, failure to comply with the charter provisions, or other acts or thing whatsoever, unless, by reason thereof, it shall appear to the court that a substantial injury has been or is about to be suffered by the property owners and tax payers of the said city, it being the intent of this act that bond issues shall rest upon the consent of the taxpayers, and that the credit of the city shall not be injured by the cancellation of its securities when issued.

The mayor and council may recite in such bonds that all acts and things requisite to the issue thereof have been duly and regularly performed and that the same are duly and regularly issued, and as affecting innocent purchasers such recitals shall be conclusive.

CHAPTER XI.

SPECIAL IMPROVEMENTS.

SEC. 166. The City of Lewiston is empowered, for the purpose of blocking, reblocking, grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, planking, replanking, gravelling, regravelling, macademizing, remacadamizing, parking, reparking, repairing, draining, or otherwise and improving and maintaining the streets, alleys and thoroughfares of said city, and constructing bridges, tunnels, viaducts and sub-ways, along, upon, over, through or under the same, and of planting and replanting of shade trees along, or otherwise beautifying the same, and for the purpose of constructing, laying, renewing, improving, exceeding, keeping, conducting and maintaining sewer system and sewerage disposal works therein or elsewhere, to apply by purchase, gift, condemnation, or otherwise, and own and possess, such real or personal property as in the judgment of the mayor and council may be deemed necessary and convenient, and for any of the purposes aforesaid to create improvement districts and assess, levy and collect special taxes and assessments on the lots and parcels of land benefited by any such improvements and included within the special improvement districts therefor, whether or not the same front on the highway, street or alley so to be improved or in which such sewers are laid.

And the said city is empowered to establish all such improvement districts in conformity with the requirements of the topography of the ground; and, in the case of sewers, to construct in each of such sewer districts a main or trunk sewer, and such sewer districts shall include real property which can be conveniently sewered and drained into such main or trunk sewer and which will be benefited thereby. They may, from time to time, establish, in connection with such main or trunk sewers, lateral sewer district or districts, and construct and maintain therein lateral sewers connecting and draining directly or indirectly into such main or trunk sewer.

SEC. 167. For the purpose of levying any such special assessments, the mayor and council shall cause general plans and specifications of the proposed improvements to be prepared, which plans and specifications shall, at any general or special meeting, be approved by the mayor and council by a vote, or otherwise.

SEC. 168. After the preparation and approval of such

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L. '41 c. 108
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plans and specifications, the mayor and council shall, at a general or special meeting by resolution, fix the describe the property which will be benefited by the making of such improvements, and declare the intention of the council to create an improvement district, by name, for the making of such improvements, and shall, in general terms, state the purpose and character of the proposed improvement, and the estimated cost thereof, and whether the same will be paid in installments, and, if so, the number of installments by which the same will be paid. Such resolution may refer to such plans and specifications and other records for more specific information. The resolution shall also fix a time and place when the mayor and council will meet for the purpose of hearing objections to the inclusion in such improvement district of any parcel or parcels of land therein included, and for the purpose of hearing suggestions for the inclusion therein of any parcel or parcels of land therefrom omitted, and for the purpose of receiving suggestions and remonstrances relative to such district and the proposed improvements, which time of meeting shall not be less than thirty (30) days from the date of the approval of such resolution.

SEC. 169. After the passage and approval of such resolution the same shall be delivered to the city clerk, who shall cause to be published a notice stating, in general terms, the purpose and character of the proposed improvements and the estimated cost thereof, and whether the same will be paid in installments, and if so, the number of installments, giving the outer boundaries of such district and stating the time and place when the council will meet for the purpose of hearing objections, suggestions and remonstrances with regard to such proposed improvements. Such notice may refer to the resolution, plans, specifications, maps, plats and profiles, or other records or documents, in the possession of any of the city officers for more specific information, and may be in substantially the following form:

SPECIAL IMPROVEMENT NOTICE OF THE CITY OF LEWISTON.
DISTRICT.

Notice is Hereby Given, That the mayor and council of the city of Lewiston by a resolution of intention in the above entitled matter, approved upon the.....day of..... 190.., declared the intention of the mayor and council to create an improvement district by the name given above, under

the charter of the city of Lewiston, for the purpose (here state the purpose in general terms); that the estimated cost of such improvements is.....dollars; that the outer boundaries of such improvement districts are as follows: (Give the outer boundaries); and that all lots, parcels and tracts of land included within such boundaries (exclusive of the streets, alleys and highways) will be included in such districts and will be assessed under the provisions of the city charter for the payment of the costs of such improvements; and that the mayor and council will meet for the purpose of hearing objections, suggestions and remonstrances with regard to such improvements at.....o'clock a. m. in the city hall in said city.

All persons interested in or affected by the proposed improvements are hereby referred to the said resolution of intention and the plans and specifications for such proposed improvements, which are, and will remain until the said meeting of the council, in the office of the city clerk.

All persons desiring to object to the creation of such improvement district, or to the boundaries thereof, or to the inclusion therein or exclusion therefrom of any tract of land, or to the making of such improvements, or to the manner or form of the same, or to the proceedings of the mayor and council, or other city officers in connection therewith or to any other thing, or matter relating thereto, must file with the city clerk on or before the date of said meeting written remonstrances, objections or exceptions, in the manner and form provided by the said city charter, or the right to make, plead, raise, present or rely upon any such matter or thing, will be forever waived and barred.

(If the assessments are to be paid in installments, state:)
 "The assessments for the making of such improvements will be payable in.....equal annual installments.

Dated this.....day of.....190...

.....
 City Clerk."

Such notice shall be published in some daily newspaper of general circulation published in the city of Lewiston for five (5) days, and the last publication thereof shall not be less than twenty (20) days prior to the date set for the meeting of the mayor and council as above provided. In addition to the publishing of such notice, the clerk shall post a copy of such notice in at least two (2) conspicuous places within the

proposed improvement district, which notice shall be posted not less than twenty (20) days prior to the date set for the meeting of the council, as above provided. Such publication and posting shall be deemed notice to all persons whomsoever interested in what way soever in such proposed improvements, or the creation of such district.

The clerk shall also notify each of the property owners mentioned in said resolution of the time and place when the council will meet, as provided in said resolution, and that said resolution is in his possession and subject to examination, and such notice shall describe with common certainty the lot or parcel of land to be affected by such improvements, which notice shall by the clerk be mailed to the last known postoffice address of such property owner, not less than twenty (20) days prior to the date of such meeting. Such notice by mail shall not be jurisdictional, and the failure of the clerk to mail such notice shall not affect the validity of any of the proceedings, but if the clerk shall wilfully and negligently fail, refuse or omit to send any such notice by mail at the time and in the manner herein required, he shall be deemed guilty of a misdemeanor, and shall be punished for each offense by a fine of one hundred (100) dollars.

SEC. 170. At such meeting property owners who are opposed to the making of such improvements or to the creating of such district, but who do not desire to question the formality, validity, regularity, or legality, of the proceedings of the mayor and council, or other city officers, theretofore had with regard to the creating of such district or the making of such improvements, may file general remonstrances, objections, or exceptions in writing, against the creation of such district, or the making of such improvements, setting forth in general terms the reasons for such objections, exceptions or remonstrances; and two or more owners of property may unite in one such objection, exception or remonstrance; it being the intent of this provision that all persons who in good faith desire to oppose the making of such improvements without questioning the manner, form or effect of the acts or proceedings of the mayor and council or other city officers, may have a timely and easy means of expressing and making their protests effective.

If more than one-half in number of the owners of property described in such resolution file with the city clerk written remonstrances, exceptions, or objections against the proposed improvements, as above provided, the same shall not be further

proceeded with or made, and any improvements so defeated by remonstrance shall not be again proposed for six (6) months, except upon petition of a majority of the owners of property to be affected thereby.

At such meeting for the purpose of hearing objections, the mayor and council shall hear and determine all remonstrances, objections and suggestions which may be made. If one-half in number of the owners of the property described in such resolution do not file remonstrances against the making of such improvements at the said meeting, as above provided, the council shall be authorized to proceed with the making of such improvements.

If at such meeting objections are made to the inclusion of any specific piece of property, or requests are made to have specific tracts included, the council shall pass upon and determine each specific case as may seem best in their judgment. Any tract erroneously included may be omitted, but no tract shall be included in such district except at the request of the owner without ten (10) days' notice in writing to the owner thereof.

Such meeting for the purpose of hearing objections may be adjourned from day to day and from time to time until the business thereof is completed.

SUB. SECTION 1. Any person interested, desiring to make, raise, plead or rely at any time upon any objection to such improvements or the collection of assessments therefor on account of any error, defect, omission, invalidity or irregularity in any of the proceedings of the mayor and council or other city officers, or the failure of the proceedings in any respect to comply with or conform to the provisions of this act, or for any other cause of invalidity whatsoever, shall file with the city clerk at or prior to such meeting an objection, protest or exception in writing, describing the particular lot or parcel of land in which the person objecting is interested, and the particular error, irregularity, omission, defect, or other matter complained of, together with a statement in detail of the grounds and reasons for the objection. The mayor and council shall consider such objections, and if the same be well taken in their opinion the same shall be allowed and the council shall thereupon take such steps as may be necessary to amend its proceedings. If the objection be not well taken in the opinion of the mayor and council, the same shall

be overruled and not allowed; it being the intent of this and of the next succeeding subsection of this section, that persons who desire to question or test the manner, form, regularity, legality, or validity of any of the acts or proceedings of the mayor and council or other city officers, with respect to the creation of such improvement district and the making of such improvements shall be first required to submit the matter upon which they rely, to the mayor and council, to the end that the proceedings may be duly amended, or if not amended, the question raised may be speedily tried and determined in the courts, that unnecessary expense and litigation may be avoided; that persons receiving the benefits of special improvements shall not, by technicalities, escape the payment therefor; and that the faith and credit of said city may be preserved.

SUB. SECTION 2. Any person who has filed any such objections, protests or exceptions, as provided in the preceding sub-section, shall have the right to appeal to the district court of this State in and for the county of Nez Perce. Such appeal shall be made by filing a written notice of appeal with the city clerk of such city, within ten (10) days after such determination or decision by the council, and said notice shall describe the property and the objections of such appellant to such proceedings, and such appellant shall also file with the clerk of the district court aforesaid, within said period of ten (10) days, a copy of said notice, appeal, resolution and decision, and the proceedings thereon, certified by the clerk of such city, together with a bond in the sum of two hundred dollars (\$200), with such security as shall be approved by the judge of said court, to such city, conditioned to pay all costs that may be awarded against the appellant; and the case shall be docketed by the clerk of such court in the name of the person taking the appeal against said city, as, "An appeal from Assessments." The cause shall then be at issue and shall have precedence over all civil cases pending in said court, except under the act relating to the eminent domain by cities and towns, and actions of forcible entry and retainer. Such appeal shall be tried in said courts as in the case of equitable causes, except that no pleadings shall be necessary; the judgment of the court shall be either to confirm the proceedings, judgment, or determination of the mayor and council, in so far as the same effects the property of the appellant, or to direct the same to be modified in accordance with the judgment of the court, from which judgment

an appeal shall lie to the supreme court, as in other cases. In case the determination of the council is confirmed, the fees of the clerk of the city for copies of the record shall be taxed against the appellant with other costs. Such appeal shall not stay further proceedings of the council pending the appeal.

SEC. 171. After the meeting for hearing objections to the making of such improvements, the mayor and council shall, as soon as may be, at any general or special meeting, (unless one-half in number of the owners of property affected have filed remonstrances against the making of such improvements, as heretofore provided), by resolution, finally fix and determine the boundaries of said district and the property to be benefited by such improvements and construction, and the lots and parcels of land to be included in such district.

SEC. 172. The council shall thereupon, as soon as may be, at any general or special meeting, by resolution, fix and determine the amount to be assessed against each lot or parcel of land included within such district to be benefited for the purpose of making such improvements, taking into consideration the benefits to be derived and injuries to be sustained by the making of such improvements, which resolution shall fix the time and place when the council will meet for the purpose of hearing objections to such assessments. In ascertaining such benefits and making such apportionments, the council may consider the frontage, area, size, location and condition of each lot or parcel of land, and any other pertinent matter, and may arrive at the assessments and apportionment by any just, fair and equitable method which they may deem expedient, and for convenience in making such assessment or apportionment may divide such district into such subdivisions as they may deem expedient.

SEC. 173. After the adoption of the resolution apportioning the assessments to the separate parcels and tracts of land, as aforesaid, the council shall cause notice to be published for five (5) days in some daily newspaper of general circulation published in the city of Lewiston of the time and place when the council will meet for the purpose of hearing objections to such assessments. Such notice may be substantially in the following form:

"SPECIAL IMPROVEMENT NOTICE OF THE CITY OF LEWISTON.
.....DISTRICT.

Notice is hereby given that the mayor and council of the

city of Lewiston, will meet at the council rooms in the city hall, at.....o'clock a. m., upon the.....day of....., 19.., for the purpose of hearing objections to the assessments made in the above entitled matter. All objections to the assessments and proceedings must be presented at this meeting by the owners of property and persons interested, or they will be deemed to have been waived.

Dated this.....day of....., 19...

....., City Clerk."

The last publication of such notice shall be not less than five (5) days prior to the date set for such meeting, and such publication shall be deemed notice to all persons interested or affected in any way whatsoever.

In addition to such publication of notice, the city clerk shall not less than ten (10) days prior to the date set for the meeting to consider assessments, notify each of the property owners mentioned in said resolution, by notice mailed to the last known address of such property owner, that such resolution is in the possession of the clerk and subject to examination and such notice shall also describe, with common certainty, the lot or parcel of land to be affected by such improvements, together with the amount to be assessed against such lot or parcel of land, and must show the number and amount of installments, if any. The mailing of such notice shall not be jurisdictional, but if the clerk wilfully and negligently fails or refuses to mail any such notice, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of one hundred (\$100) dollars for each offense.

SEC. 174. At such meeting for the purpose of hearing objections to assessments, the mayor and council shall consider all objections which may be presented, and shall take such evidence as they may deem expedient in regard to such objections, and shall hear and dispose of the same. Objections merely to the amounts of assessments upon particular tracts may be informal and may be informally determined. *Provided*, That if the council at such meeting increases the amount assessed against any tract or parcel of land, the council shall arrange a meeting, at which the owners of property affected by such increase may be heard, and shall cause the clerk to notify each of such owners affected by such increase, by mail, of the time and place when the council will meet for the purpose of considering such increase. Such notice shall be mailed not less than

ten (10) days prior to the meeting at which such increased assessments will be considered.

At such meeting any person desiring to make, raise, plead, or rely at any time upon any objection to such improvements or assessments on account of any error, defect, omission, invalidity or irregularity in any of the proceedings of the council or other city officers, or the failure of the proceedings to comply with or conform to the provisions of this act, or for any other cause of invalidity whatsoever, shall file with the city clerk at or prior to such meeting, a written objection in like form and manner as is provided in sub-section one of section 170 of this act. The council shall hear and determine such objections, protests and exceptions, and allow or disallow the same, and amend its proceedings in the general manner provided in said sub-section one, if such objection be well taken; and all appeals from the decision or determination of the council shall be had within ten (10) days after the approval of the resolution finally fixing and determining the amount to be assessed, in the manner provided in sub-section two (2) of said section 170.

The meeting for the purpose of hearing objections to assessments may adjourn from day to day and from time to time until business for which such meeting was called shall have been completed.

And the council shall have power to revise, correct, confirm, and set aside any assessment or assessments, and to order such assessment to be made anew, and to make a resolution finally approving and confirming such proceedings and assessments as correct, and their decisions in regard thereto shall be the final determination of the regularity, validity, and correctness of such assessments in the amounts levied on each lot or parcel of land.

SEC. 175. After the completion of the equalization of assessments, the council shall at any general or special meeting, by resolution, finally fix and determine the amount to be assessed against each lot or parcel of land to be included in such improvement district, and the date when the same will be payable, which date shall not be less than thirty (30) days after the approval of the said resolution; and all such special assessments shall constitute a lien upon and against the property upon which such assessment shall be made from and after the date of the passage and approval of the resolution finally fixing and determining the amount to be assessed against each lot or parcel of

land included within the district to be benefited by the making of such improvements.

SEC. 176. All persons who shall fail or omit to make and file objections, exceptions, protests, or remonstrances for the purposes, at the times and in the manner in this act prescribed, and to prosecute appeals in the manner, at the times, and in the form in this act provided, shall be conclusively deemed to have waived any and all exceptions, objections and defenses to the making of such improvements, and the levy and collection of the taxes and assessments therefor; and no suit shall be instituted, or entertained in any court, by or on behalf of such persons, to defeat, delay, hinder, restrain, enjoin or prevent the making and construction of such improvements, or the collection of such taxes and assessments; nor shall any defense whatsoever, which might have been raised and presented by any such objection, exception, protest or remonstrance, be pleaded or interposed, by or on behalf of any such person, in any action for the foreclosure or collection of such taxes or assessments; but all such exceptions, objections and defenses shall be conclusively deemed to be forever waived and barred; and the action of the mayor and council, in creating such district and in ordering such improvements and in levying such assessments and in all other matters connected with such improvements, shall in such cases, be final and conclusive.

SEC. 177. The mayor and council shall direct the clerk to call for bids for the construction of such improvements, by five (5) days' publication of notice in some newspaper of general circulation, published in said city, and such additional notice as may be deemed proper, and shall thereafter let the contract for the making and construction of such works and improvements, and shall require a bond or deposit of the contractor and cause the same to be made and constructed under such regulations for the protection of the city and the property owners in such district as the council may prescribe. Any and all bids may be rejected by the council and bids called for anew, and portions of the work may be let to different contractors.

SEC. 178. After any contract for a public improvement has been formally executed and become binding upon the parties thereto, the city shall have power, without regard to whether the cost of the improvement contracted for is to be paid out of the general fund or by special tax, if it be deemed for the public good so to do, to provide by resolution, with the

consent of the contractor for such improvement and the surety on his bond, that the contract, plans and specifications for the improvement be modified in any manner or matter not affecting substantially the character of the proposed improvements or materially increasing the cost thereof, which resolution shall provide a reasonable deduction in the price of the improvement by reason of any omission or modification, reducing the cost of construction, but no such resolution shall be approved by the mayor or become a law until the contractor consents in writing to the terms of such resolution. Such omission, reduction or modification shall not affect the validity of the assessment or levy and collection of the special taxes for the work; and no such change shall affect the validity of any bond or warrant for the construction or maintenance of any such work.

SEC. 179. As soon as may be after the approval of the resolution finally fixing and describing the amount to be assessed against each lot or parcel of land for the making of such improvements, the clerk shall prepare an assessment roll to be provided by the council, and shall extend such taxes and assessments thereon, and shall thereupon give notice by publication for five (5) days in some daily newspaper of general circulation, published in said city, of the time when such taxes and assessments will become delinquent. The last publication of such notice shall be not less than twenty (20) days prior to the date of delinquency.

SEC. 180. The mayor and council may, in their discretion, provide for the levy and collection of such assessments in installments, instead of levying the entire assessment at any one time, such installments to be payable in equal amounts each year. None of such installments shall run for a longer period than ten (10) years, nor bear interest at a rate exceeding six (6) per cent per annum.

Where such taxes or assessments are levied in installments, the owner of any piece of property liable to any such assessments, may redeem his property from such liability by paying the total of all such installments chargeable against his property at any time before the first installment becomes delinquent, and thereafter may at any time redeem his property upon the payment of the principal of all such installments remaining unpaid (together with any penalties and interest thereon for delinquency) together with the interest

which would have accrued on each of such installments had the same been paid in order at maturity.

SEC. 181. In all cases where such assessments or taxes are payable at one time and not by installments, the mayor and council shall provide for the issuance of warrants to the contractor or person constructing such improvements, and shall provide for the form of such warrants, and shall make such regulations respecting the issuance and delivery and payment of the same as may be necessary and not inconsistent, nor in conflict, with the provisions of this act.

SEC. 182. Where such assessments are payable in installments, the mayor and council may provide for the issuance of special improvement bonds or warrants and may prescribe the form and contents of such bonds or warrants, and may provide that the same shall have attached thereto annual interest coupons, and may prescribe all necessary regulations governing the delivery and payment of the same, not inconsistent or in conflict with the provisions of this act. None of such bonds or warrants shall bear interest at a greater rate than six (6) per cent per annum. None of such bonds or warrants shall run for a longer period than the last deferred installment of such special taxes or assessments, and all of the same shall be redeemable on or before the date of the last installment of such assessments and taxes becomes due and payable, and may be issued and made payable in annual installments, in proportions corresponding to the installments of the assessments.

Such bonds or warrants may be issued to the contractor making such improvements or portions thereof, and to the other persons to whom obligations are due for services in connection with such improvements, in payment thereof, or the mayor and council may provide for the sale of the same, under such regulations as they may establish, at not less than their par value net, and may pay the proceeds of such sale to such contractors or persons. Such bonds or warrants shall not be issued in excess of the contract price of such work or improvement, and the incidental expenses necessary to the establishment of such improvement district and the levy and collection of such assessments as hereinafter provided. Such bonds or warrants shall be issued in the name and under the seal of the city of Lewiston and shall be designated as special improvement bonds or warrants of the special improvement district, naming it. In determining the amount in which such

bonds or warrants may be issued, the interest coupons attached shall not be included. Such bonds or warrants shall be in such denominations as the mayor and council may provide, and shall be numbered consecutively, and signed by the mayor and controller: *Provided*, That any coupons thereto attached may, in lieu of being so signed, have printed thereon facsimilies of the signatures of such officers. Each bond or warrant shall provide that the principal sum therein named, and the interest thereon shall be payable out of the special funds derived from such special assessments or taxes and not otherwise.

Such bonds or warrants may contain recitals that all proceedings, acts, and things requisite to the issuance thereof have been duly and regularly performed and that the same are duly and regularly issued. Such bonds or warrants shall be negotiable and such recitals shall be, as to innocent purchasers, conclusive upon the owners of property in such district.

Where contracts for portions of the improvements are let to different contractors, or warrants or bonds are to be issued to several persons, the mayor and council may make such provisions as may be necessary to prevent one holder of bonds or warrants acquiring a preference over another as to the application of the proceeds of the installments paid in any one year, and may so issue and redeem such bonds or warrants that each contractor or person receiving the same in payment for services will receive his proportionate part of the funds collected each year.

The city treasurer, or other authorized officer of such city, shall pay the interest on the bonds or warrants authorized to be issued by this act, out of the respective special improvement funds from which such bonds or warrants are payable, and whenever there shall be sufficient money in any such special improvement fund against which such bonds or warrants have been issued under the provisions of this act, over and above the amount necessary for the payment of accrued interest on all unpaid bonds or warrants, to pay the principal of one or more bonds or warrants, the treasurer shall call in and pay such bond or warrant, or bonds or warrants.

SEC. 183. Such bonds or warrants, when issued to the contractor constructing such work or improvements, in payment thereof, or to any other person in payment for engineering or other services in connection with the making of such

improvements, or when sold as above provided, shall transfer to the contractor or other owner or holder the right to recover, sue for and collect every such assessment or tax, if the officers of the city shall fail, neglect or refuse to properly collect the same when due, by sale, as hereinafter provided; and the owner of any such bonds or warrants may proceed in his own name to collect such assessments or taxes and to foreclose the lien thereof, in any court of competent jurisdiction, and shall recover in addition to the principal of such bonds or warrants and interest thereon, such reasonable attorney's fees as may be allowed by the court, together with the costs of such suit.

Any number of holders of such bonds or warrants of any improvement district may join as plaintiffs, and any number of owners of property on which the same are a lien may be joined as defendants in such suit. Such bonds or warrants shall be equal liens upon the property as the assessments represented by such bonds without priority of one over the other, and the extent of the several assessments to the several lots or parcels of land; and successive suits may be maintained on the same bond or warrant for successive installments as they fall due. In lieu of the remedies provided in this section, the bond or warrant holders may maintain any appropriate action to compel the officers of the city to perform the duties imposed upon them by this act with respect to the collection of such taxes, as provided in the next section.

SEC. 184. The holder of any special improvement bond or warrant, issued under the provisions of this act, may maintain an action of mandamus, or other appropriate proceeding to compel any officer to perform any of the duties required of him by this act, or may at his option proceed to enforce his lien by appropriate action as hereinbefore in this act provided.

SEC. 185. The holder of any special improvement bond or warrant, or other security, issued under the authority of this act, shall have no claim on account thereof against the city in any event, except for the amounts of such special assessments or taxes actually collected and received by such city, but his remedy in case of non-payment shall be confined to the enforcement of such assessments.

SEC. 186. All of such special assessments or taxes made and levied to defray the costs and expenses of any improvement constructed under the provisions of this act, together with

interest upon deferred installments, penalties after delinquency, and the cost of collection, shall be a lien upon and against the property assessed from and after the date of the passage and approval of the resolution finally fixing and determining the amount to be assessed against each lot or parcel of land included within such improvement district.

SEC. 187. All such special assessments or taxes or installments thereof shall after delinquency bear interest at the rate of eighteen (18) per cent per annum, which shall be construed as a penalty, and in addition upon delinquency there shall accrue a penalty of ten (10) per cent upon the principal sum so becoming delinquent.

SEC. 188. After such special assessments or taxes, or installment thereof, shall have become delinquent, it shall be the duty of the city clerk within ninety (90) days to sell the property upon which such delinquent assessments, taxes or installments were levied, at public sale for the satisfaction of such special assessments, taxes or installments together with the penalties and interest due thereon and the costs of sale upon giving notice by publication for five (5) consecutive days, in some daily newspaper of general circulation published in said city, the last publication of which notice shall be at least ten (10) days prior to the date of sale; but no tract or parcel of land shall be sold for less than the amount due for such special tax, assessment or installment, together with the interest and penalties thereon and the costs of collection and sale. If no sufficient bid is received the sale may be adjourned from time to time, or the property may be re-advertised and offered. In case of a defective or invalid sale, the property may be re-advertised and again sold.

SEC. 189. The city of Lewiston may purchase at any such sale, but shall not bid nor pay more than the amount of the taxes, together with the penalties, interest and cost of collection. The sum bid by the city shall be paid into the special fund at the time of the issuance of a certificate of sale to the city, out of any unappropriated revenues of the city.

SEC. 190. After making such sale, it shall be the duty of the city clerk to issue his certificate of sale to the person bidding in such property, or to the city, if the property was sold to the city, which certificate shall be signed by the clerk and be issued under the seal of the city. And such certificate of sale when so issued shall be a lien upon the property upon

which such special assessment was levied. The clerk shall retain a duplicate of such certificate of sale in his office and must, in a book to be kept for that purpose, enter the name of the party assessed, and a description of the property sold, the date of sale, the purchaser's name, and the amount for which sold, and shall regularly number the descriptions on the margin of the book and put a corresponding number on each certificate. He shall keep the entries of certificates sold to individuals, and to the city, during any year, separately.

SEC. 191. The lien of such tax or assessment shall vest in the purchaser and shall only be divested by the payment of the whole amount of money paid for such certificate together with interest thereon at the rate of eighteen (18) per cent per annum until paid.

SEC. 192. A redemption of the property sold may be made by the owner, or any party in interest, within two (2) years from the date of such certificate upon the payment, in lawful money, to the city clerk, for the use of the holder of such certificate, of the total purchase price, together with all accrued interest thereon.

The time of redemption and the name of the redemptioner and the amount paid shall be noted by the clerk upon his records. The amount so paid upon redemption shall be by the clerk delivered to the city treasurer, who shall pay the same over to the holder of such certificate, upon presentation and surrender of the original certificate by the lawful owner thereof, which certificate shall be, by the owner, marked "Redeemed," and signed, and shall constitute the voucher of the treasurer. Upon redemption of certificates issued to and held by the city, the certificate shall be marked "Redeemed" and signed by the clerk, and the same, together with the sum paid, shall be delivered to the treasurer to the credit of the fund out of which the money may have been originally taken.

In all cases where the city has become the purchaser of property under the provisions of this act, and tax certificates have been issued to the city therefor, redemption may be had by any person in interest in the same manner and upon like terms as are provided for other redemptions.

SEC. 193. All tax sale certificates held by the city shall be on sale by the city clerk at all times during office hours for an amount equal to the face thereof with accrued interest.

SEC. 194. After the period for redemption has expired,

the city clerk shall upon demand of the holder of any such certificate execute and deliver under the seal of the city, a deed for the property described in such certificate. Such deed shall convey to the grantee the absolute title to the lands described therein, free of all incumbrances, except liens for other taxes. Such deed shall be prima facie evidence of the regularity of all other proceedings from the assessment to and including the execution and delivery of the deed, and shall in addition be prima facie evidence of all matters of which a tax deed under the general laws of the State of Idaho is evidence. The purchaser shall pay to the city clerk for the use of the city, the sum of two (\$2) dollars upon the execution of such deed. A deed may be executed to the city, with like effect, for lands sold to it and not redeemed.

SEC. 195. The preliminary engineering and other expenses incidental to the creation of such improvement districts may be paid out of any general fund of the city, provided the cost thereof shall in no case exceed the balance of unappropriated current revenues in such fund, and the sums so paid may be included in estimating the cost of such improvements; the assessments may be levied and collected therefor with other expenses and costs of construction, and upon the collection of the same, the sum so diverted from such general fund shall be repaid out of such special fund.

The expenses of engineering, inspection and supervision during construction, may be included in determining the cost and making the levy for such special improvement districts, together with other costs and expenses, incidental and necessary to the making of such improvements, and may be paid in such special improvement warrants or bonds.

SEC. 196. When in the opinion of the mayor and council, any special improvement is of general benefit and advantage to the city at large, they may provide for the doing of a portion of the work, or the payment of a portion of the cost, not exceeding twenty-five (25) per cent of the whole, out of the general funds of the city: *Provided*, That such payment will not, with other obligations to be paid out of such general funds, be in excess of the current unappropriated revenues of the city in such general funds for that fiscal year.

SEC. 197. In the creating of any such special improvement district or other proceedings thereunder, all property may be listed and assessed in the name of the record owners

at the time of the preparation of the original resolution, but an error or mistake in the name of such owners shall not invalidate any assessment or proceeding.

SEC. 198. In any case where any special tax or assessment, or installment thereof, is vacated, set aside or annulled by any court of competent jurisdiction, after the making or construction of any special improvement, on account of the lack of jurisdiction in the mayor and council, or for any other cause whatsoever, the court in its judgment shall determine the value and benefit of such improvements to the property assessed, and such judgment shall constitute a lien for the amount so found.

SEC. 199. In all cases of special assessments, of any kind, against any property, person, or corporation whatsoever, where any such assessments have failed to be valid in whole or in part for want of form, or for insufficiency, informality or irregularity, or non-conformance with the charter, ordinances or provisions of law governing such assessments, or for any other cause, the mayor and council shall be and they are hereby authorized to re-assess such special taxes or assessments and to enforce their collection and it is further provided that whenever, for any cause, mistake, or inadvertence, the amount assessed shall not be sufficient to pay the costs of such improvements made and enjoined on the property, or on the owners of property in the local assessment district where the same are made, that it shall be lawful, and the mayor and council are hereby directed and authorized to make re-assessment upon all the property in said local assessment district to pay for such improvements, and to continue making such re-assessments until a valid and sufficient assessment shall have been made.

SEC. 200. In any case where special improvements are of benefit to the whole city, and it seems expedient to the mayor and council that the city should pay more than twenty-five (25) per cent of the cost, or where there are no unappropriated revenues out of which the city's proportion may be paid, if less than twenty-five (25) per cent, the question of authorizing an issue of bonds to pay for the city's proportion of such costs may be submitted at an election under the provisions of this charter for issuing bonds, and the balance of the cost may be levied, assessed and collected under the provisions of this chapter as in the case of other special improvements.

CHAPTER XII.

ORDINANCES.

SEC. 201. The mayor and council shall have all the legislative power granted by this act, and all other corporate powers of the city, not herein, or by some ordinance of the city conferred on some other officer.

SEC. 202. The style of every ordinance shall be, "THE CITY OF LEWISTON DOES ORDAIN AS FOLLOWS:"

SEC. 203. All ordinances and resolutions for the appropriation or payment of money shall require for their passage and adoption the concurrence of the majority of all the members of the council.

SEC. 204. No ordinance shall contain more than one subject, which shall be expressed in its title and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire section or ordinance as amended.

SEC. 205. No ordinance shall be finally passed on the day it is introduced, except in case of public emergencies and then only when requested by the mayor in writing, but no ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

SEC. 206. All ordinances shall as soon as may be after their passage be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer and the clerk; and all general ordinances and those imposing any fine, penalty or forfeit, shall be published one time in some daily newspaper of general circulation within the city and no such ordinances shall take effect or be in force until the expiration of five (5) days after such publication.

SEC. 207. No ordinance or resolution making or authorizing any conveyance or lease of real property of the city shall take effect until thirty days after publication; and such ordinances and resolutions shall be subject to referendum in like manner and upon like conditions as are ordinances for franchises.

SEC. 208. All ordinances, regulations and resolutions in force at the time this act takes effect and not inconsistent with the provisions hereof shall remain and be in force until altered, modified or repealed.

SEC. 209. All ordinances, resolutions and proceedings of

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the council may be proved by the seal of the corporation attested by the officer having charge thereof, and when printed and published by the authority of the city the same shall be received in evidence in all cases and places, and by all courts without further proof.

SEC. 210. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, equal in number to the percentages hereinafter required. Such petition may be circulated and presented under like conditions and in the same manner as nomination petitions. Within ten (10) days after the filing of such petition the city clerk shall examine his register of electors and ascertain whether or not such petition is signed by the requisite number of qualified electors and if necessary the council shall allow him extra help for that purpose. He shall attach to such petition, his certificate showing the result of such examination. If the clerk's certificate shows the petition to be insufficient, it may be amended within ten (10) days from the date of such certificate and within ten (10) days after the filing of such amendments, the clerk shall make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however to the filing of a new petition to the same effect. If the petition shall be found to be insufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by registered electors equal in number to fifteen (15) per cent of the entire vote cast at the last general preceding election and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the

council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five per cent, but less than fifteen per cent, of the entire vote cast at the last preceding general election, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur.

The ballots used when voting upon said proposed ordinance shall contain the words "For Ordinance No." and "Against Ordinance No." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition and which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people, until more than two years after such ordinance shall have gone into effect, and the ordinances so amending or repealing the same shall not take effect until thirty days after publication and shall be subject to referendum as are franchise ordinances.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, but that there shall not be held under this section of the charter, more than one special election in any period of six months.

The council may submit a proposition for the repeal of any such ordinance before two years after the same has gone into effect, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

CHAPTER XIII.

CONTRACTS AND CONVEYANCES AND CLAIMS.

SEC. 211. The city shall not be bound by any contract for the incurring of any liability, or the expenditure of any sum in excess of five hundred (500) dollars, nor in any way liable thereon unless the same is authorized by a city ordinance and made in writing and signed by the clerk or some other person duly authorized in behalf of the city.

SEC. 212. All claims against the city shall be presented to the mayor and council for allowance. The same shall be itemized as to the date and amount and shall refer to the contract, resolution, ordinance or law on which the same are based or if on neither then to the name of the officer authorizing the same. All claims shall be filed with the controller and by him shall be audited and approved or rejected and after approval shall be allowed by the council. The controller may investigate the validity and correctness of all claims and to that end may take such evidence as he may deem necessary and may administer oaths. No suit shall be maintained on any claim until after presentation of the same and a reasonable time has elapsed for the investigation thereof.

But the provisions hereof for the presentation and allowance of claims shall not be construed to apply to the salaries of officers, agents and employes of the city, who are employed at fixed compensations, when such claims are properly certified to the controller by the heads of the departments, nor to claims for the payment of the principal or interest of the bonded indebtedness of the city, but the same may be paid by the controller without presentation to and allowance by the council.

SEC. 213. The city council shall, in every case before entering into any contract involving the expenditure of more than five hundred (500) dollars, except in cases of contracts for engineering or other professional services, advertised daily for five days or more in some daily newspaper published in said city for proposals for the work to be done or the materials to be furnished, and shall open all bids on the day named in said advertisements, or as soon thereafter as practicable and shall enter all bids with the names of the bidders upon the minutes, and every bid shall remain at least one day open for discussion before any contract thereon shall be awarded, and after that time such bid may be awarded and such security required as the council may deem necessary. No contract shall be made which does not receive the assent of a majority of all members of the council and all such contracts shall be executed by the mayor and controller and attested by the seal of the city, and shall be filed and kept open to the inspection of citizens at all times. The head of each department shall in every case involving the expenditure of more than five hundred (500) dollars, before any call for bids, submit to the council a statement in writing with an estimate by him of the cost of the proposed work to be done or materials

to be furnished and unless the same receive the approval of a majority of the council it shall not be advertised or undertaken.

SEC. 214. All conveyances and leases, and instruments conveying any estate, or right in or to any streets, highways, public places or lands or the city shall be authorized by ordinance and executed by the mayor and controller and attested by the corporate seal.

SEC. 215. No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time, but all contracts involving a personal service shall be restricted to the doing of some particular act, or the performance of some particular service except as herein otherwise provided, and upon its completion no further liability shall exist on the part of the city.

CHAPTER XIV.

SIDE-WALKS.

SEC. 216. It shall be the duty of the owners of property abutting upon any street, highway, or avenue in the city of Lewiston, to construct, repair and maintain the sidewalks adjacent to such property.

SEC. 217. The mayor and council may from time to time by ordinance provide for the construction of sidewalks in the several localities in said city as the same may be needed and may require the same to be constructed by the property owners.

SEC. 218. The mayor and council may require temporary wooden sidewalks to be constructed upon streets where permanent street improvements have not been made, prior to the adoption of a permanent grade, when such a course seems expedient, and may provide specifications for the various kinds of sidewalks to be constructed within the city, may establish districts within which cement, stone, brick, asphalt or other permanent walks shall be constructed and may require all walks within such district to be constructed of the kind of materials and according to the specifications which the council may adopt.

SEC. 219. When the mayor and council have, by ordinance, required the construction or reconstruction of sidewalks, if the construction of the same is not begun within such reasonable time as may be prescribed by ordinance, after the

ordinance requiring such construction goes into effect, or if having been begun, the same are not completed within a reasonable time, then such sidewalks shall be constructed or reconstructed or completed by the city, under the direction and supervision of the street commissioner, and the cost thereof shall be and remain a lien upon such abutting property, and the council may by general ordinance provide the form of lien to be prepared and filed and may direct the same to be filed in the office of the county recorder of Nez Perce county, Idaho; and such liens may be enforced and foreclosed in the same manner as are other liens under the general laws of the State of Idaho, and in suits for such enforcement and foreclosure, the city shall collect in addition to costs such reasonable attorney's fees as may be allowed by the court; without the filing of any lien the city may in any case bring suit in any court having jurisdiction of the amount for the recovery of such costs and expenses for the construction or reconstruction or completion of such sidewalks and may recover personal judgment therefor.

SEC. 220. The council may by ordinance prescribe reasonable rules and regulations for the maintenance and repair of sidewalks and may by ordinance make the cost of such maintenance and repairs a lien upon the property where, after notice and upon the failure of the owners of the adjacent property to make repairs, the same are made by the city.

SEC. 221. In any case where the condition of any sidewalk is such as to make the same dangerous to person or property in the opinion of the street superintendent, and when in the opinion of the street superintendent immediate repairs are necessary to prevent damage or injury to persons using such sidewalk, such temporary repairs, not exceeding in cost the sum of twenty-five (25) dollars, as may be necessary to prevent danger from accidents, may be made by the street superintendent without notice. When such repairs have been so made without notice, the superintendent shall as soon as may be after the completion of the same present to the owner of the abutting property, or his agent, an itemized statement of the cost of such repairs, or if the owner of such property be a non-resident, such statement may be, by the street superintendent, mailed to his last known address, and the depositing of such notice in the mail shall be deemed service upon such non-resident owner. If the cost of such repairs be not paid within ten days after the service of the

statement of costs, the city may begin suit in any court having jurisdiction of the amount for the recovery of the same. In any such suit, the owner of such property may defend upon the ground that such repairs were unnecessary or that the cost of construction was unreasonable; if the court shall determine that such cost of construction is unreasonable, it shall find, determine and render judgment for the reasonable cost.

SEC. 222. The city shall have full power and authority to regulate all use of sidewalks, to provide for the removal of obstructions therefrom, to prevent encroachments upon the same, to make the same safe for the public, and to provide all necessary penalties to prevent the obstruction or improper use of the sidewalks.

SEC. 223. After the service of any notice to repair or put in safe condition, any sidewalk, the city shall not be liable for any injury or damage to person or property caused by or occurring through a defect, want of repairs, or unsafe condition of such sidewalks, but the liability therefor shall rest upon the owner of the abutting property.

CHAPTER XV.

GENERAL PROVISIONS.

SEC. 224. The mayor and common council may provide for annexing to and bringing within the city, lands contiguous thereto. In such case the council shall have prepared and filed with the clerk an ordinance describing the outer boundaries of the district proposed to be annexed, and shall cause the clerk to publish for five days in some daily newspaper in said city a notice giving the outer boundaries of such district and declaring the intention to annex the same to the city. If more than one half in number of the owners of land within such district do not file with the clerk within thirty days after the last publication of such notice, objections in writing to such proposed annexation, the council shall proceed to pass the ordinance therefor. Such ordinance shall not take effect until thirty days after publication, and shall be subject to referendum in like manner as ordinances granting franchises or special privileges. After the said ordinance shall have become effective, and the boundaries of the said city shall be accordingly extended to include the said lands, which shall be annexed to, and thereafter be, and constitute a part of the city of Lewiston, and be included in such city.

S.L. '07 c. XV
sec. 238-B
new sec.
S.L. '47 c. 32
sec. 1 p. 33

It shall be the duty of the city clerk as soon as may be thereafter to file with the county recorder of Nez Perce county, a copy of the said ordinance, duly certified, under the seal of the city, and after such filing all property and persons within the limits of such annexed tract of land, shall be subject to the provisions of this charter, and of all by-laws and ordinances of the said city and police regulations thereunder; and the said district and the inhabitants thereof, and the property therein shall thereafter have the same right, privileges, and standing and the same obligations and duties, and shall in all respects be as though such annexed district had been a part of the said city from the date of its incorporation.

SEC. 225. In any action, suit or proceedings in any court concerning an assessment of property, or levy of taxes, authorized by this act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed, or left to the discretion of the mayor and council, or the council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 226. The property, real and personal, belonging to the city of Lewiston, shall not be liable to be sold or appropriated under any writ of execution, nor shall officers or agents of the city be required to answer any writ or garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the city or such officers or agents, but if the mayor of the city elects so to do, he may answer in a writ of garnishment for the city in his discretion. Nor shall the salary or compensation of any officer, agent or employe, due from the city, be subject to attachment, garnishment or writ of execution.

SEC. 227. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder, or a taxpayer of the city of Lewiston, in any action or proceeding in which said city may be a party in interest, and all officers and employes of said city shall be exempt from jury service.

SEC. 228. Before the city of Lewiston shall be liable for damages for personal injuries of any kind, the person injured or some one in his behalf shall by filing notice with the city

clerk give notice in writing of such injury within thirty days after the same has been sustained, stating in such notice, when, where and how the injury occurred, and the apparent extent thereof, and the failure to so notify the city within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever.

SEC. 229. It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption, without embodying the entire ordinance in the pleading, and to plead any section of any code by reference to the section and all ordinances or codes of ordinances printed under the authority of the mayor and council, shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence.

SEC. 230. This act shall be deemed a public act and judicial notice shall be taken therefor in all courts.

SEC. 231. The mayor or the city council, or a committee of the city duly authorized by it, may and it shall be their duty at any and all times to investigate each and every department of the city government and the official acts and conduct of the city officials; and for the purpose of ascertaining facts in connection with such investigation, shall have power to compel the attendance and testimony of witnesses; to administer oaths and to examine such persons as they may deem necessary and to compel the production of books and documents. Failure to appear by anyone when served with notice to do so shall be a contempt, which may be punished by a fine, and in default of the payment thereof, the person so fined may be imprisoned. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such.

SEC. 232. The city council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights, and to regulate and fix the fare, tolls and charges of local telephone exchanges; of public carriers and hacks, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges of all public utilities of every kind.

To fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the city shall for one fare give a transfer from

any of its lines to any other line in the city, whether such other line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have a right by mandamus or other proper remedy in any court of competent jurisdiction, to enforce any ordinance requiring the giving of transfers by any street railroad company; and in addition thereto the city of Lewiston may recover of the street railway company the sum of twenty-five dollars as penalty and liquidated damages for each and every failure to give a transfer.

SEC. 233. No general law of the State or any amendment that may be made thereto, shall have the effect to repeal, alter or amend this charter or any of the provisions thereof, when inconsistent therewith, unless the act, enacting said laws, clearly expresses such intention by reference to said charter by title.

SEC. 234. The official books, records, and papers of the city officers are city property, and must be kept as such by said officers, during their continuance in office, and delivered to their successors.

SEC. 235. That any person, owning property within the city of Lewiston, shall, permit or allow his property or any sidewalk abutting upon or adjoining his property to be or remain in a dangerous condition, shall be liable to any person damaged or injured by reason of the neglect of such person, owning said property, to repair or remedy the dangerous condition of such property or sidewalks, and shall reimburse the city for any loss or damage which it may sustain by reason of such neglect; and in case such property is leased both the landlord and tenant shall be so liable to the city.

SEC. 236. When the grade of any street, highway or alley, shall have been established by ordinance of the city of Lewiston, and any person or persons shall have built or made improvements on said street, highway or alley, and the city shall afterwards change the established grade, or shall change the boundary line of any block, street, highway or alley, in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured, the amount of such damages, less the amount of any benefits which may accrue from such change, and when the parties interested are unable to agree, with the city council as to the amount which shall be paid, the same shall be assessed by three persons one of whom shall be appointed by the mayor, one by the

owner or owners of the property, and one by the two appointed; or in case of their disagreement, by the city council. Said appraisers shall be sworn to faithfully execute their duties, according to the best of their ability. They shall view the premises, and receive any legal evidence and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess damages sustained over and above the additional value of the property, by reason of the change of improvements. They shall report in writing and deliver the same to the clerk of the district court embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a precipe therefor the party entitled may have a judgment entered therefor. If the damages so assessed be excessive or insufficient the clerk shall, upon filing a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleadings in a civil action may be filed and such special pleadings as the court shall allow, and the issues thus formed shall be tried as other civil actions. The cost shall be taxed against the city only when a judgment is for a larger amount than was awarded by the appraisers, or the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced, otherwise the costs shall be taxed against the parties claiming damages.

If the appraisers shall, by any oversight, fail to be sworn, said omission shall not affect the validity of their findings.

SEC. 237. In computing the time during which any notice required by this act to be published, shall run, Sundays and holidays shall be included and counted as are other days. The publication need not be consecutive for the entire number of days, where interrupted by accident, oversight, or failure of the paper to appear or where in the opinion of the mayor and council more complete notice will be given by publication at intervals instead of consecutively. Where bids are called for upon contracts or for bonds, such additional notice as the mayor and council may direct may be given in papers published outside of Lewiston.

The council may select and designate some paper to be

the official paper of the city, but are not required so to do; and no notice shall be invalid by reason of not being published in the official paper.

SEC. 238. The mayor and council may by ordinance, vacate and sell or lease any property dedicated to any specific public use, and may change the use of the same and devote or dedicate the same to other public uses. Such ordinance shall not take effect until thirty days after publication and shall be subject to referendum as in the case of franchise ordinances.

SEC. 239. In all cases where this charter provides for reference of questions in like manner or in the same way as is provided for franchise ordinances, such reference may be procured, provided for, and had, and the proceedings therefor carried out, according to the general spirit and purpose of the provisions for reference of ordinances granting franchises or special privileges; and the cost thereof shall be borne by the city, except as otherwise herein expressly provided.

SEC. 240. The word "Tax Payer" as used in this act shall be construed to mean a payer of city taxes upon real or personal property.

SEC. 241. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city council shall require such ordinance or proposition to be published in like manner as ordinances adopted by the council for the granting of franchises are required to be published.

SEC. 242. This act is hereby designated "The Charter the City of Lewiston" and in any ordinance, resolution, contract agreement, pleading, bond, warrant or other instrument it shall be of sufficient reference to refer to this act as "The Charter of the City of Lewiston" without setting out the title of the act.

Approved March 13, 1907.

HOUSE BILL NO. 149.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE AND DEFINE THE DUTIES OF A STATE BOARD OF HORTICULTURAL INSPECTION AND THE APPOINTMENT OF A STATE

D. 319, '07L.
H. B. 121, Ch. XV
§238 A Added
D. 218, '29L

S.L. '07 c. x15
H.B. 121 new
sec. added
S.L. '47 c. 32
sec. 1 p. 33

HORTICULTURAL INSPECTOR AND DEPUTIES; TO APPROPRIATE MONEY FOR THEIR EXPENSE AND DEFINING THE DUTIES THEREOF; TO PREVENT THE GIFT, SALE, DISTRIBUTION, TRANSPORTATION, IMPORTATION OR PLANTING OF INFECTED TREES, VINES, PLANTS, CUTTINGS, SCIONS, GRAFTS, PITS, BUDS OR OTHER ARTICLES AND TO PROVIDE FOR THE DISINFECTION OR DESTRUCTION OF THE SAME; TO PROVIDE FOR THE EXTIRPATION OF INSECT PESTS OR FUNGUS DISEASES FOUND ON TREES, SHRUBS, VINES, PLANTS, FRUIT; TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT," APPROVED FEBRUARY 27, 1903, BY AMENDING SECTION 1 AND ADDING TO SAID ACT SECTIONS 21, 22, 23, 24, 25 AND 26; PROVIDING FOR THE FIXING OF THE TIME FOR THE ELECTION OF THE PRESIDENT AND SECRETARY OF THE STATE BOARD OF HORTICULTURAL INSPECTION; RELATING TO THE SALE AND DESTRUCTION OF INFECTED AND DISEASED FRUIT; RELATING TO THE SALE, INSPECTION AND DISPOSAL OF NURSERY STOCK, REQUIRING HORTICULTURAL INSPECTORS TO GIVE BONDS, AND FIXING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That an act entitled "An act to create and define the duties of a State Board of Horticultural Inspection and the appointment of a State horticultural inspector and deputies to appropriate money for their expense and defining the duties thereof; to prevent the gift, sale, distribution, transportation, importation or planting of infected trees, vines, plants, cuttings, scions, grafts, pits, buds or other articles and to provide for the disinfection or destruction of the same; to provide for the extirpation of insect pests or fungus diseases found on trees, shrubs, vines, plants, fruit; to provide penalties for failure to comply with the provisions of this act;" is hereby amended by section 1 of said act, approved February 27th, 1903, is hereby amended as follows:

Section 1. There is hereby created a State Board of Horticultural Inspection which board shall consist of five members as follows: The director of the experiment station and the professor of zoology of the University of Idaho shall be ex officio members of said board, and the other three members shall be appointed by the Governor of the State as soon as may be after the passage of this act, and shall hold their office for a term of three years or until their successors are appointed and

qualified: *Provided*, That of the three members first appointed after the passage of this act, one shall hold his office for one year, one for two years and one for three years from the date of his appointment and adding thereto sections 21, 22, 23, 24, 25 and 26, as follows:

Section 21. The State Board of Horticultural Inspection shall elect its president and secretary annually on the first Monday in April of each year, and each of said officers shall hold his said office at the pleasure of the board, as provided in section 3 of this act.

Section 22. It shall be unlawful to sell or dispose of, or offer to sell or dispose of, or to have in one's possession for sale or barter, any fruit which is or has been infected with San Jose scale or the larva or larvae of the codling moth, and the fact that such fruit bears the marks of the San Jose scale, or is worm-eaten by the larva or larvae of the codling moth shall be deemed conclusive evidence that said fruit is infected within the meaning of this section; and the State inspector and the several deputy inspectors are hereby given power to seize and destroy such infected fruit whenever they shall find that the same has been packed, sold, shipped or offered for sale, or where the same has been exposed for sale, or is being held in any ware house, store, sales room or other place for the purpose of being sold, bartered, shipped or exposed for sale or barter; and it is hereby made the duty of said State inspector and said district inspectors to enforce the provisions of this section, and any person or persons who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than three hundred dollars, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment: *Provided*, That nothing in this section shall be construed to prevent the utilization of such infected fruit in the manufacture of fruit by-products where said fruit has not been packed, sold, shipped, stored or offered or exposed for sale as fruit.

Section 23. All persons, firms or corporations complying with the provisions of section 8 of the act of which this act is amendatory, by filing bond with the State Board of Horticultural inspection, shall, upon the approval of such bond, be entitled in addition to the certificate provided for in section 8, to such additional or duplicate certificates as he or they shall demand upon the payment of the sum of one dollar each there-

for, and said duplicate certificates shall entitle the holder thereof to represent as agent the person, firm or corporation named in said certificate in all matters relating to the business for which said original certificate was issued, and it shall be unlawful for any person or persons to sell or solicit orders for the sale of, or to deliver or cause to be delivered any fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock, without first having secured such written authority, and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than three hundred dollars, and all sums so collected shall be paid into the State Treasury.

Section 24. Any person, firm or corporation receiving any fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock from persons, firms or corporation outside of the State who do not hold a license to sell such nursery stock in this State, shall make application to the district or State inspector to have said nursery stock inspected either by himself or some person duly qualified to perform said service, and the person, firm or corporation receiving such nursery stock shall be required to pay the necessary expenses for said inspection.

Section 25. Before entering upon the discharge of his duties the State horticultural inspector shall be required to give bond in the sum of 5000.00 dollars for the faithful discharge of his duties; and before entering upon the discharge of their duties the several district horticultural inspectors shall be required to give bond in the sum of 1000.00 dollars for the faithful discharge and performance of their duties; said bonds to be approved by the State Board of Horticultural Inspection, and filed with the secretary of said board.

Section 26. Whereas, an emergency existing therefor, this act shall take effect and be in force from and after its approval.

Approved March 13, 1907.

HOUSE BILL NO. 229.

AN ACT

PROVIDING WHAT FEES SHALL BE CHARGED FOR FILING
ARTICLES OF INCORPORATION AND ISSUING CERTIFI-
CATES TO FRATERNAL, RELIGIOUS AND ELEEMOSY-

NARY SOCIETIES AND ORGANIZATIONS, AND ALL OTHER SOCIETIES OR ORGANIZATIONS NOT BEING ORGANIZED FOR THE PURPOSE OF PROFIT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The Secretary of State shall charge and collect from each fraternal, religious, or eleemosynary society or organization, or any other society or organization not having capital stock and not organized for the purpose of profit, a fee of five dollars for filing articles of incorporation and issuing certificate of incorporation to such society or organization, and twenty cents per folio for recording and he shall make no other charge and collect no other fee for filing, and for his certificate issued to such corporation.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 97.

AN ACT

TO AMEND AND BE SUPPLEMENTARY TO AN ACT TO SUPPRESS CONTAGIOUS AND INFECTIOUS DISEASES AMONG LIVE STOCK, CREATING A LIVE STOCK SANITARY BOARD, AND PROVIDING FOR ITS APPOINTMENT, TO CREATE THE OFFICE OF STATE VETERINARY SURGEON, PROVIDING FOR HIS APPOINTMENT AND FIXING HIS COMPENSATION, PROVIDING FOR THE APPOINTMENT OF ASSISTANT VETERINARY SURGEONS AND LIVE STOCK INSPECTORS AND FIXING THEIR COMPENSATION, PRESCRIBING PENALTIES FOR THE FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT; CREATING A LIVE STOCK SANITARY FUND AND PROVIDING FOR THE LEVYING OF A TAX THEREFOR; APPROVED MARCH 6, 1905, BY ADDING EIGHT NEW SECTIONS THERETO, TO BE NUMBERED SECTIONS 41, 42, 43, 44, 45, 46, 47, 48, AND 49, IMPOSING ADDITIONAL DUTIES UPON AND GIVING ADDITIONAL POWERS TO THE LIVE STOCK SANITARY BOARD FOR THE PURPOSE OF ENABLING THEM TO BRING ABOUT THE DESTRUCTION

OF PREDATORY ANIMALS, AND PROVIDING FOR THE LEVY OF A TAX AND THE ISSUING OF WARRANTS TO PAY THE EXPENSES THEREOF.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the above recited act be amended by adding eight new sections thereto, to be numbered as follows:

Section 41. It is hereby made the duty of the sanitary board to exercise a general supervision over the subject of the killing and destruction of the wolves, coyotes, wild cats and such other wild animals as are in the habit of preying upon and destroying sheep, calves, colts, pigs, poultry and other domestic animals and fowls and wild game, and to devise and put into operation such methods and means as will best secure and attain the object of exterminating such wild, destructive and pestiferous animals, and to this end they are hereby authorized and empowered to employ one or more experienced, competent and skillful hunters and trappers, as they may deem necessary in each or any inspection district of the State; whose duty it shall be to work constantly and diligently with guns, traps, poison and any and every practicable means and methods to procure and bring about the destruction of as many of such predatory animals as possible.

Section 42. The hunters employed in accordance with the preceding section shall each receive such compensation as may be agreed upon beforehand, not exceeding three and 50-100 dollars per day, and their employment shall always be liable to be discontinued at any time, at the pleasure of the board, and it shall be the duty of each and all of them, at all times, to work at such localities and along such plans of operation as the board may, from time to time, direct, and the board is hereby empowered and authorized to purchase old or undersized and cheap horses and other animals to be killed and used as bait for the purpose of poisoning the pestiferous animals hereinbefore mentioned, as well as all necessary poisons to be used in connection therewith, and also such traps and ammunition as shall be necessary or useful for the purposes aforesaid: *Provided*, That the said trappers and hunters must use their own guns and *Provided further*, That the board shall never expend a greater sum of money in any one year than thirty-five thousand dollars, and whenever that amount has been expended in the year then and thereafter any and all further expenditures for the purposes of this amendatory act shall terminate and cease.

Section 43. It shall be the duty of the hunters and trappers aforesaid to exercise great care in putting out poison, and to take every reasonable precaution to prevent it from being taken by dogs or other domestic animals, and to bury or destroy by burning all poisoned carcasses that have lain so long that they have ceased to be useful or where they are so situated as to be easily accessible and dangerous to the dogs of those occupying the range during the grazing season and when poison is put out on the range during said season they shall post four or more written notices in conspicuous places whenever practicable, on four sides, and within about one fourth of a mile thereof, warning all persons of the same, and they shall not put out any poison within one mile of any inhabited dwelling house without first notifying the occupant thereof of their intention so to do, nor within one fourth of a mile of any such dwelling without the consent of such occupant, nor shall they put out poison within one quarter of a mile of any public highway at any time, and any hunter or trapper, or other person employed by the State Sanitary Board, violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Section 44. Each and every hunter or trapper shall keep an accurate account of all animals destroyed by him and furnish such proof thereof as may be required by the board, or by any rule or regulation thereof, and report the same at least once a month or oftener, if required, and shall also skin and preserve and dispose of, under the direction of the board, all hides and furs of value. The proceeds of which shall be accounted for and paid to the State Treasurer as provided in section 48 of this act.

Section 45. For the purpose of defraying the expenses necessarily to be incurred under this act, the board of county commissioners of the several counties in this State, at the time of the annual levy of taxes shall levy a special tax of one-half mill on the dollar of the assessed valuation of all horses, cattle, goats, mules, asses and swine, and four mills on the dollar of the assessed valuation of all sheep within their respective counties, which shall be collected and remitted to the State Treasurer in the same time and manner as other taxes, and kept in a separate fund to be known as "The Predatory Animal Fund," and paid out only as hereinafter provided.

Section 46. All bills for expenses named under the provisions of this act shall be certified by the Sanitary Board of

Examiners, and when allowed by them shall be paid by warrants drawn on the "Predatory Animal Fund" in the State Treasury: *Provided*, The said sanitary board shall not certify nor allow any claims in excess of \$35,000.00 incurred in any one year, and the State Auditor is prohibited from drawing any warrants against said "Predatory Animal Fund" in excess of \$35,000.00 for expenses incurred in any one year.

Section 47. The provisions of sections 4 and 34 of the act of which this is amendatory are hereby made especially applicable to proceedings under this act, and in all other respects, this act shall be construed in harmony with the act of which it is amendatory and supplemental so far as the same can consistently be done.

Section 48. Any and all sums of money whatsoever that may or shall be received by the State Sanitary Board, under or by virtue of any provision of this amendatory act, or for the purpose of carrying out the same, shall, within five days thereafter be forwarded or paid to the State Treasurer, who shall receipt for the same in duplicate; one to be given to the board and the other to the State Auditor, and the same when received shall be credited to the Predatory Animal Fund.

Section 49. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

HOUSE BILL NO. 215, SUBSTITUTE FOR HOUSE BILL 132.

AN ACT

TO PROVIDE FOR THE PAYMENT OF CLAIMS FOR THE KILLING OF COYOTES, LYNX AND WILDCATS, FILED WITH THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY IN THIS STATE BETWEEN MARCH 11, 1901, AND MARCH 8, 1905; TO PROVIDE THAT NO DEFECT IN THE FORM OF SUCH CLAIM SHALL BE ANY BAR TO THE PAYMENT THEREOF, AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO ALLOW CLAIMS FILED IN THEIR OFFICE AFTER MARCH 8, 1905, AND PRIOR TO SEPTEMBER 1, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. In any county in the State where claims have

been filed with the clerk of the board of county commissioners of such county between March 11, 1901, and March 8, 1905, for bounty for the killing of coyotes, lynx and wildcats, and where such claims have not been paid for the want of funds available therefor, it shall be the duty of the board of county commissioners at any regular meeting thereof to direct the clerk to draw warrants upon the current expense fund of the county in payment of such claims so filed: *Provided*, That no defect in the form of such claims so filed shall be any bar to the issuance of any warrant in payment thereof; and *Provided further*, That the board of county commissioners may allow any claims which may have been filed with the clerk of the board between March 8, 1905, and September 1, 1905, if they deem such claims to be bona fide.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1907.

HOUSE BILL NO. 157, SUBSTITUTE FOR HOUSE BILL NO. 103.

AN ACT

TO AMEND SECTION 937 OF THE REVISED STATUTES OF IDAHO CONCERNING HIGHWAYS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 937 of the Revised Statutes of Idaho be amended to read as follows:

Section 937. If any person through whose lands any public highway is established, is desirous of turning such road through any other part of his lands, such person may, by petition, apply to the county commissioners, to permit him to turn such road through another part of his land, without materially increasing the distance to the injury of the public; and on receipt of such petition, accompanied by a sufficient bond to pay the cost and expense to be incurred thereby, the commissioners may appoint three disinterested viewers and surveyor, if they deem it necessary, who must view the ground over which the road is proposed to be turned, and ascertain the distance such road will be increased by the proposed alteration, and a report in writing, stating the several distances so found, together with their opinion as to the utility of making

such alterations ; and if the viewers report to the commissioners that the prayer of the petitioner is reasonable, the commissioners, upon receiving satisfactory evidence that the proposed new road has been opened a legal width, and in all respects made equal to the old road for the convenience of travelers, may declare such new road a public highway, and make record thereof, and at the same time vacate so much of the old road as is embraced in the new ; and the person petitioning for the alteration must pay all costs and expense of the view and survey, if ordered: *Provided*, When any person or persons wishes to change the line or location of any public highway, he or they shall cause notice of his or their intention to apply to the board of county commissioners of the county in which such road is situated, at its next session, for permission to change such road at his own expense ; to be published in the official newspaper published in such county (if there be one), if not, then in the newspaper published nearest to the proposed change, not less than three weeks before the first day of such session of the said board, and shall also cause a copy of the notice to be posted at the post office (if there be one), and at three other public places in the precinct at least twenty days before the said meeting of the board, which notice must clearly show the proposed change or changes, and when, where, and by whom the petition will be presented ; and at the time and place designated in the notice he must present his petition, which must conform to the notice. Any person or persons objecting to such change may within ten days thereafter, file a remonstrance in writing against it: *Provided*, That any person aggrieved by the action of the board may appeal to the district court of the county in the same manner and with like effect as in other cases of appeal from the action of the board of county commissioners.

Approved March 13, 1907.

HOUSE BILL NO. 237.

AN ACT

MAKING APPROPRIATION FOR THE PAYMENT OF THE SALARIES AND COMPENSATION OF OFFICERS AND EMPLOYEES OF THE STATE OF IDAHO, AND THE GENERAL EXPENSES OF STATE GOVERNMENT AND OF THE SUPPORTING AND MAINTAINING OF THE STATE IN-

STITUTIONS FOR THE PERIOD COMMENCING ON THE FIRST MONDAY OF JANUARY, 1907, AND ENDING ON THE FIRST MONDAY OF JANUARY, 1909.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund of the State not otherwise appropriated, for the payment of the salaries and compensation of the State officers and employes of the State of Idaho and the general expenses of the State government and of supporting and maintaining the several State institutions for the period commencing on the first Monday of January, 1907, and ending on the first Monday of January, 1909. (The sums hereinafter appropriated shall be paid out by the State Treasurer only upon warrants drawn by the State Auditor against the general fund of the State.)

For the payment of the expenses of persons employed by the Governor to return to the State fugitives from justice\$ 2,000 00

EXECUTIVE DEPARTMENT.

Governor.

For the salary of the Governor\$ 10,000 00
For the salary of the Governor's secretary..... 4,800 00
For all other expenses of the Governor, including all office expenses 4,000 00

Secretary of State.

For the salary of the Secretary of State..... 4,800 00
For the salaries of clerks in the office of..... 11,880 00
For compiling and publishing the Ninth Session Laws and the Senate and House Journals and all special laws 5,000 00
For the traveling expenses of the Secretary..... 500 00
For all other expenses of the Secretary of State including furniture and vaults and fixtures and all office expenses 4,000 00

State Auditor.

For the salary of the State Auditor 4,800 00
For the salaries of assistant and clerks in the office of 12,000 00

For all other expenses including office expenses ..	4,000 00
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Attorney General.

For the salary of the Attorney General.....	6,000 00
For the salary of assistant attorneys and salary of stenographer of	9,000 00
For all other expenses of the Attorney General, in- cluding all office expenses and the printing of briefs	3,000 00

State Treasurer.

For the salary of the State Treasurer	8,000 00
For the salary of the Deputy State Treasurer	4,000 00
For all other expenses of the State Treasurer, in- cluding all office expenses	3,400 00

Superintendent of Public Instructions.

For the salary of the Superintendent.....	4,800 00
For salary of the Deputy Superintendent.....	2,400 00
For traveling expenses of the Superintendent....	2,000 00
For all other expenses of Superintendent, includ- ing all office expenses.....	2,200 00

Inspector of Mines.

For the salary of the Inspector of Mines.....	3,600 00
For traveling expenses of	2,600 00
For all other expenses of the Inspectors of Mines, including all office expenses	2,400 00

BOARDS AND OFFICERS CONNECTED WITH THE EXECUTIVE DE-
PARTMENT.

Commissioner of Immigration and Labor Statistics.

For salary of Commissioner.....	\$ 4,800 00
For salary of clerk	3,000 00
For all expenses of the Commissioner of Immi- gration and Labor Statistics, including travel- ing expenses	7,090 00

State Engineer.

For the salary of the State Engineer.....	4,000 00
For all expenses of the State Engineer, including all office expenses and traveling expenses....	12,000 00

Adjutant General.

For the salary of the Adjutant General	3,600 00
For salary of the clerk to Adjutant General and all expenses of the Adjutant General, including all office expenses, and the arming and equip- ping of the National Guard	7,600 00

State Insurance Commissioner.

For the salary of the State Insurance Commis- sioner	4,800 00
For clerical assistance of the State Insurance Com- missioner	3,600 00
For all other expenses of the State Insurance Commissioner, including office and traveling expenses	5,400 00

State Veterinarian.

For the salary of the State Veterinarian.....	4,000 00
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State Sheep Inspector,

For the salary and expenses of the State Sheep In- spector	500 00
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State Land Board.

For all expenses of the State Land Board of every kind or nature whatsoever, including moneys which may be deposited under the provisions of the laws of the United States in order to pro- cure the survey of public lands	70,000 00
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Bank Examiner.

For the salary of the State Bank Examiner.....	4,800 00
For all other expenses of the State Bank Exam- iner, including traveling and office expenses..	4,200 00

Board of Horticulture.

For all expenses of the Board of Horticulture of every kind whatsoever	12,500 00
State Board of Dairy Commissioner, Pure Food and Oil Commissioner; for all expenses of the Board of Dairy Commissioner, Pure Food and Oil Commissioner of every kind whatsoever, including the salary of the State Chemist....	8,000 00

State Board of Equalization.

For all expenses of the State Board of Equalization	500 00
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Board of Pardons and Board of Canvassers.

For all expenses of the Board of Pardons and the Board of Canvassers of every kind whatsoever	300 00
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Library Commission.

For salary of Librarian of traveling library....	2,400 00
For the purchase of new books for library.....	2,500 00
For all other expenses of the Library Commission including transportation charges on books...	2,500 00

JUDICIAL DEPARTMENT.

Supreme Court.

For the salaries of the justices of the Supreme Court	\$ 22,000 00
For the salary of the clerk of the Supreme Court and the salary of the Deputy Clerk at Lewiston	5,800 00
For the salary of criers, bailiffs and messengers..	2,200 00
For the salaries of the stenographer and the assistant stenographer	4,800 00
For the quarterly expenses of the justices.....	2,000 00
For the traveling expenses of the clerk.....	300 00
For the publishing of volumes 12, 13 and 14 of the Supreme Court Reports	3,300 00
For all other expenses of the Supreme Court of every kind whatsoever	3,450 00

District Court.

For salaries of the judges of the district courts..	42,000 00
For the salaries of the stenographers	14,000 00
For traveling expenses of the judges.....	7,000 00
For traveling expenses of the stenographer.....	2,250 00

State Law Libraries.

For salary of the State Law Librarian at Boise..	2,400 00
For all expenses of maintaining the State law library at Lewiston	1,000 00
For insurance on Lewiston law library building	

and keeping building in repair and improvements and furniture.....	825 00
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EDUCATIONAL, CHARITABLE, REFORMATORY AND PENAL
INSTITUTIONS.

State University—	
For the maintenance of the State University	27,100 00
For traveling expenses of regents.....	1,200 00
Lewiston State Normal—	
For maintenance of.....	53,400 00
For traveling expenses of trustees.....	500 00
Albion State Normal School—	
For maintenance of.....	35,000 00
For traveling expenses of trustees.....	500 00
Academy of Idaho—	
For maintenance of.....	47,750 00
For traveling expenses of trustees.....	500 00
Idaho Soldiers' Home—	
For maintenance of.....	26,000 00
Asylum for the Insane—	
For the maintenance of.....	80,000 00
For repairs	10,000 00
North Idaho Insane Asylum—	
Maintenance of	50,000 00
Idaho Industrial Training School—	
For the maintenance of	41,000 00
For traveling expenses of the trustees of....	500 00
Idaho State Penitentiary—	
For the maintenance of.....	100,000 00

MISCELLANEOUS.

For the insuring of buildings and other property belonging to the State (that is, buildings and property which do not belong to some distinct State institution)	\$ 1,500 00
For the payment of taxes and expenses upon lands mortgaged to the State and upon which foreclosures are made, and for the taxes and expenses of administration charges of estates escheated to the State.....	800 00

For the expenses of printing constitutional amendments to be voted upon.....	1,000 00
For the payment of the premiums upon the bonds of State officers, the procuring of which either wholly or partly at the expense of the State, is authorized by law	3,000 00
For the maintenance and care of the capitol building and grounds surrounding the same and paving streets	23,000 00

FOR NEW APPROPRIATIONS CREATED BY LAWS PASSED BY NINTH
SESSION.

Institute for the education of the deaf, dumb and blind at schools in this or other States, including the necessary expenses in transporting such persons from their homes to such schools and returning them to their homes therefrom, as per bill introduced in the House, known as House Bill No. 142.....	\$ 32,000 00
State Board of Health, as per House Bill No. 33	5,000 00
Statue for Senator Shoup, as per House Bill No. 133	6,000 00
The Alaska-Yukon Exposition Fund, House Bill No. 161	15,000 00
Deficiency Warrants in Steunenberg case, House Bill No. 154	54,516 94
Fund for the prosecution of the Steunenberg case as per House Bill No. 231.....	50,000 00
Deficiency claims for the years 1905 and 1906 as per House Bill No. 236.....	72,437 78
Appropriation for the relief of Mrs. Pyke of Fremont county, as per House Bill No. 105....	400 00
For revising, compilation and codifying the laws of the State of Idaho, as per Senate Bill No. 121	14,000 00
For the purpose of calling in outstanding warrants	32,000 00
For advance on surveys of land asked for by the State Board of Land Commissioners.....	10,000 00
Appropriation for all expenses of the Ninth Session of the Idaho Legislature, as per House Bill No. 1	50,000 00

SEC. 2. That the compensation and salaries of all State officers and employes of the State mentioned in section one (1)

of this act shall be in full for all services rendered, or to be rendered to the State by such officers and employes during the period beginning on the first Monday in January, 1909.

SEC. 3. That all moneys belonging to funds created by law for specific purposes are hereby appropriated for such purposes.

SEC. 4. The State Auditor shall, quarterly on the first day of January, April, July and October in each year, render to each State officer, employe, board, person, institution or department for the benefit of whom, or which, any special fund shall belong, or by whom any special fund shall be controlled a statement of the balance in that particular special fund belonging to, controlled or provided for such officer, employe, board, person, institution or department on the day upon which such statement is hereby required to be rendered.

SEC. 5. That the State Auditor is hereby authorized upon the presentation of the proper vouchers, or claims against the State, approved by the State Board of Examiners, as provided by law, to draw his warrant upon the stated fund and against the proper appropriation made by section one (1) of this act, or otherwise by law, in favor of the parties entitled thereto.

SEC. 6. That each State officer, State board and employe of the State, authorized to expend the appropriations hereinbefore, in this act, or otherwise by law made, shall keep an itemized account of all expenditures made by him or it and report the same, with the proper vouchers attached, to the committee on State affairs, federal relations and public debts at the tenth regular session of the Legislature.

SEC. 7. No officer, employe, or State board of this State, or board of regents or board of trustees of any institution of this State shall have power to create any deficiency, nor shall they create any deficiency in excess of the appropriation made by law for the specific purpose or purposes hereinbefore in this act provided, except that they may have been authorized by the State Board of Examiners to do so; any indebtedness attempted to be created against the State in violation of the provisions of this act, or any indebtedness attempted to be created against the State in excess of the appropriations provided for in any act, shall be void: *Provided, also,* That the income accruing to any State institution after the same has been certified quarterly to the board of trustees of such institution

by the auditor shall be deemed an appropriation to such institution, and shall be governed by the provisions of this act regarding appropriations and regarding the creation of indebtedness in excess of such appropriation.

SEC. 8. Whereas an emergency exists therefor, this act shall be in force from and after its passage and approval.

Approved March 14, 1907.

HOUSE BILL NO. 184.

AN ACT

FIXING THE SALARY AND COMPENSATION OF CERTAIN OFFICERS OF THE EXECUTIVE DEPARTMENT OF THE STATE AND COMPENSATION OF THE JUSTICES OF THE SUPREME COURT, AND JUDGES OF THE DISTRICT COURT AND REPEALING THE EXISTING LAW RELATING THERETO, APPROVED MARCH 14, 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Instruction, shall, during their continuance in office, receive for their services compensation as follows:

Governor, five thousand dollars per annum.

Secretary of State, three thousand dollars per annum.

State Auditor, three thousand dollars per annum.

Attorney General, four thousand dollars per annum.

State Treasurer, four thousand dollars per annum, and

Superintendent of Public Instruction, two thousand four hundred dollars per annum.

State Mining Inspector, two thousand four hundred dollars per annum, such compensation to be paid quarterly as due out of the State treasury and to be in full for all services, by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no such increase or compensation shall affect the salaries of such officers during their present term of office: *Provided, however,* That the actual and necessary expenses of the Governor, Lieutenant Governor, Secretary of State, Attorney General, and Superintendent of Public Instruction while traveling within the State, or between points within the State in the per-

formance of official duties shall be allowed and paid by the State; not, however exceeding such sum as shall be appropriated for such purpose.

No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance, and deposited with the State Treasurer quarterly to the credit of the State.

SEC. 2. The salary of the Justices of the Supreme Court shall be five thousand dollars per annum, and the salary of the judges of the district court shall be four thousand dollars per annum. Such compensation to be paid quarterly out of the State Treasury, but no Justice of the Supreme Court or judge of the district court shall be paid his salary or any part thereof unless he shall have first taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which has been finally submitted for his consideration and determination thirty days prior to his taking and subscribing said oath.

Approved March 14, 1907.

HOUSE BILL NO. 173.

AN ACT

CREATING THE "STATE HIGHWAY COMMISSION," PRESCRIBING ITS POWERS AND DUTIES, PROVIDING FOR THE LEASING BY SAID COMMISSION OF ROADS, TRAILS AND BRIDGES TO THE CONSTRUCTION OF WHICH THE STATE HAS CONTRIBUTED BY DIRECT APPROPRIATION, AND AUTHORIZING THE COLLECTION OF TOLLS BY SUCH LESSEES, IN CASE OF THE NEGLECT OR FAILURE OF THE COUNTY OR COUNTIES THROUGH WHICH SUCH ROADS PASS TO PROPERLY MAINTAIN THEM, PRESCRIBING THE MANNER OF LETTING SUCH LEASES AND DECLARING FORFEITURE THEREOF, PRESCRIBING PENALTIES FOR THE EVASION OF PAYMENT OF TOLLS OR ILLEGAL CHARGE THEREOF, PRESCRIBING CLASSES OF PERSONS AND PROPERTY FOR WHICH TOLLS MAY BE CHARGED, PRESCRIBING EXEMPTIONS FROM PAYING TOLL, MAKING AN APPROPRIATION TO CARRY OUT THE PURPOSES OF THIS ACT AND DECLARING AN EMERGENCY THEREFOR.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The Governor, State Engineer and State Mining Inspector are hereby constituted a board of State Highway Commissioners, which shall be known as the "State Highway Commission."

SEC. 2. The State Highway Commission shall have control and supervision, as provided herein, of such roads, bridges and trails as have been constructed in whole or in part at the expense of the State through direct appropriation therefor, in order that the same may be kept in proper repair, and not suffered through neglect to fall into a condition in which they may be unsafe for travel or in any way unavailable for use as public highways. The word "roads," wherever used in this act, shall be construed as including also all such bridges and trails.

SEC. 3. The Governor shall be ex-officio chairman of the commission, and the commission at its first meeting shall elect one of its members as secretary, who shall keep minutes of all the meetings and transactions of the commission and an accurate account of its disbursements, and have the custody of its records and files. The Treasurer of the State of Idaho shall be the treasurer of the commission, and liable upon his official bond for the faithful performance of his duties as such treasurer. The members of the commission shall serve without compensation as such members, but shall be allowed their actual and necessary expenses incurred in performing their official duties as such commissioners.

SEC. 4. The commission shall make an itemized report and statement on the first days of June and January of each year to the State Auditor, of all their disbursements, contracts and transactions. Said commission may make such rules and regulations for the transaction of its business as it may deem expedient, subject to the provisions of this act.

SEC. 5. All claims against the commission requiring the payment of money shall be itemized and verified under oath, whereupon they shall be audited by the commission, and if allowed or any part thereof, shall be certified up to the State Auditor by the chairman and secretary of the commission, which shall authorize the Auditor to draw his warrant therefor. *Provided*, That before any claim shall be so certified it must have been authorized by a vote of a majority of the commission at a regular meeting thereof.

SEC. 6. Whenever a showing shall be made, as herein pro-

vided, that any road or trail or portion thereof, subject to the provisions of this act, is in actual and serious need of repair, the commission shall cause the same to be inspected by some competent person, who shall report thereon to the commission in writing. The secretary of the commission shall thereupon by registered letter notify the board of county commissioners in the county or counties where such repairs are needed, specifying the place or places on said road where such repairs are required, and the nature of the work necessary to put the same in proper condition. Such notice shall state that if such county does not make such repairs, or cause them to be made, at the expiration of a certain time, the commission will proceed in relation thereto under the provisions of this act. Such notice shall be for not less than thirty days, and the time therein granted may be extended, on account of inclemency of the weather or any other good cause, at the discretion of the commission. At the expiration of the time stated in such notice or extension thereof, the commission shall ascertain by the written report of some competent person, verified under oath, as to whether such repairs have been properly made, and if it appears to the commission that such repairs have not been made, or that they have been improperly or insufficiently made, said commission shall thereupon have power to proceed under the provisions of this act.

SEC. 7. The showing required by section 6 shall be in the form of an affidavit by not less than three credible persons, which must state in detail the place or places where such repairs are needed, the actual condition of such road at such place or places, the nature of the work required to put the same in proper condition, and that such statement is made after personal inspection by each affiant.

SEC. 8. If, after the showing made, proceedings taken and notice given as herein provided, any county shall neglect, fail or refuse to repair such road or roads or any portion thereof and put the same in proper condition for the use as public highways, the commission may thereupon make an order, reciting the facts and stating that it becomes expedient to lease such road or portion thereof for a toll road, in order that the same may be properly maintained. Such order shall specify the location and termini of such road or portion thereof, and shall direct the secretary of the commission to cause such order to be published in some newspaper of general circulation

in the county in which such road or portion thereof is located, for a period of not less than four weeks, and in like manner to give notice therewith that sealed bids will be received by the secretary at a certain place until a particular hour of a certain day thereafter, and not more than ten days after the expiration of the publication of such order and notice for the leasing of such road or portion thereof.

SEC. 9. The order of the commission must specify the number of gates to be placed on the road, and the period for which said road or portion thereof is to be let, which shall not exceed five years. The bid must specify the rates of toll, according to the classification herein, which the bidder is willing to accept as full compensation for putting and maintaining the road in the condition specified in the order.

SEC. 10. No bid shall be considered unless accompanied by an undertaking, executed by two or more sureties in the sum of two thousand dollars, to be void upon the condition that the bidder, if the lease is awarded to him, will within ten days thereafter enter into the contract for keeping such road, and give the bond to secure the performance thereof as herein provided.

SEC. 11. Upon opening the bids, the lease shall be awarded to the lowest and best bidder, but the commission may reject any and all bids when there appears sufficient cause therefor, and in such case they may again advertise for bids, as herein provided.

SEC. 12. The contract for the lease must be subscribed by the lessee, approved by the commission and filed with the secretary thereof. At the time of filing such contract the commission shall require a proper and adequate bond or undertaking from the lessee, with two or more sufficient sureties to be void upon the condition that the lessee will faithfully perform his contract in relation to such road, and comply with the provisions of this act.

SEC. 13. Such contract of lease must specify that such road shall be kept clear of timber or other obstructions to travel, that it shall be maintained in good order with a track of a certain width, that the streams or other waters on the line thereof shall be kept properly bridges or ferries established thereon, if necessary. If turnouts are to be maintained, grades established, materials supplied, bridges built or other construc-

tion work done, the contract shall specify the same in detail, and in general such contract shall require that the lessee maintain such road at all times in reasonably good condition for ordinary usage as a public highway.

SEC. 14. The commission shall have authority, upon the application of the lessee, to cancel or modify the lease upon such terms as may be equitable and just, and whenever the lessee, fails, neglects or refuses to comply with the provisions of his lease or of this act, the commission may request the attorney general of the State to bring action in the proper court in the name of the State to have such lease declared forfeited, or it may request the county attorney of any county through which such road passes to bring such action in the district court for that county, and when so requested in writing it shall be the duty of the attorney general or the county attorney, as the case may be to bring such action forthwith.

SEC. 15. When any such lease is abandoned or declared forfeited, the commission may again notify the county or counties in which such road or portion thereof is located to maintain the same, as hereinbefore provided, or it may at once advertise for bids to lease such road again, at its discretion.

SEC. 16. No toll shall be collected for travel on such road except at a gate, nor unless a sign board be posted at such gate in full view of the travel on the road, with the rates of toll plainly printed or painted thereon. The lease must specify the number of gates that may be placed on the road and the location thereof, and thereafter the number of such gates must not be increased under such lease, but the commission, upon the application of the lessee, may at any time, for good reasons shown, authorize the lessee to change the location of such gates or any of them. No toll gate, toll house or other building must be put up within ten rods of the front of any dwelling house, barn or outhouse, without written consent of the owner thereof.

SEC. 17. The rates of toll that the lessee may collect and receive must be specified in the lease, and none other must be charged; and any person who passes through a gate on such road without paying the toll legally chargeable thereat, or when traveling on such road goes around such gate, with intent to avoid the payment of such toll, shall be liable to the lessee for three times the amount of such toll; and any lessee of such road, who, by himself or his agents or servants, col-

lects or receives of any person illegal toll for traveling on such road, shall be liable to such person for three times the amount of such toll.

SEC. 18. Tolls shall be chargeable by the lessee upon the following items, or classes of persons, or property, only:

1. Sheep and hogs;
2. Loose horses, mules, asses and cattle;
3. Man and riding animals and pack animals loaded;
4. Vehicles loaded or unloaded and drawn by one or more animals.
5. Automobiles and bicycles.

SEC. 19. The following persons and none other, shall be exempt from paying toll on such roads:

1. Persons going to or from any funeral, and all funeral processions;
2. Troops in actual service of the State, or of the United States;
3. Persons going to or from the court house of any county in obedience to a subpoena in a criminal action;
4. Persons living within a mile of any gate by the most usually traveled road may pass it at one-half toll, when not engaged in the transportation of others or the property of others;
5. Farmers living on their farms within one mile of any gate by the most usually traveled road may pass free when going to or from their work on such farms;
6. School children attending school within three miles of their places of residence.

SEC. 20. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 21. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the State, for the term of two years, beginning April 1, 1907, the sum of fifteen hundred dollars or so much thereof as may be necessary.

SEC. 22. Whereas, an emergency existing therefor this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1907.

SENATE BILL NO. 144.

AN ACT

CONCERNING THE SPECIFICATION OF TERMINAL POINTS
IN ARTICLES OF INCORPORATION OF RAILROAD, TEL-
EPHONE AND TELEGRAPH CORPORATIONS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The articles of incorporation of railroad, telephone and telegraph corporations need not specify the points between which the works are to be built nor the intermediate branches thereof.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 14, 1907.

SENATE BILL NO. 151.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE
FOR THE APPORTIONMENT OF THE LEGISLATURE, AP-
PROVED MARCH 7, 1905," AND TO PROVIDE FOR A NEW
APPORTIONMENT OF THE LEGISLATURE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 be amended to read as follows:

Section 1. The apportionment of the two houses of the Legislature is as follows:

The First Senatorial District consists of the County of Ada, and shall elect one Senator.

The Second Senatorial District consists of the County of Blaine, and shall elect one Senator.

The Third Senatorial District consists of the County of Bannock, and shall elect one Senator.

The Fourth Senatorial District consists of the County of Bear Lake, and shall elect one Senator.

The Fifth Senatorial District consists of the County of Bingham, and shall elect one Senator.

The Sixth Senatorial District consists of the County of Boise, and shall elect one Senator.

The Seventh Senatorial District consists of the County of Canyon, and shall elect one Senator.

The Eighth Senatorial District consists of the County of Cassia, and shall elect one Senator.

The Ninth Senatorial District consists of the County of Bonner, and shall elect one Senator.

The Tenth Senatorial District consists of the County of Custer, and shall elect one Senator.

The Eleventh Senatorial District consists of the County of Elmore, and shall elect one Senator.

The Twelfth Senatorial District consists of the County of Fremont, and shall elect one Senator.

The Thirteenth Senatorial District consists of the County of Idaho, and shall elect one Senator.

The Fourteenth Senatorial District consists of the County of Latah, and shall elect one Senator.

The Fifteenth Senatorial District consists of the County of Lemhi, and shall elect one Senator.

The Sixteenth Senatorial District consists of the County of Kootenai, and shall elect one Senator.

The Seventeenth Senatorial District consists of the County of Lincoln, and shall elect one Senator.

The Eighteenth Senatorial District consists of the County of Nez Perce, and shall elect one Senator.

The Nineteenth Senatorial District consists of the County of Oneida, and shall elect one Senator.

The Twentieth Senatorial District consists of the County of Owyhee, and shall elect one Senator.

The Twenty-first Senatorial District consists of the County of Shoshone, and shall elect one Senator.

The Twenty-second Senatorial District consists of the County of Washington, and shall elect one Senator.

The Twenty-third Senatorial District consists of the County of Twin Falls, and shall elect one Senator.

The several counties shall elect members of the House of Representatives as follows:

Ada county, five (5) members.

Bannock county, three (3) members.

Bear Lake county, two (2) members.

Bingham county, three (3) members.
Blaine county, two (2) members.
Boise county, one (1) member.
Bonner county, two (2) members.
Canyon county, three (3) members.
Cassia county, one (1) member.
Custer county, one (1) member.
Elmore county, one (1) member.
Fremont county, four (4) members.
Idaho county, three (3) members.
Kootenai county, three (3) members.
Latah county, three (3) members.
Lemhi county, one (1) member.
Lincoln county, one (1) member.
Nez Perce county, five (5) members.
Oneida county, two (2) members.
Owyhee county, one (1) member.
Shoshone county, three (3) members.
Twin Falls county, one (1) member.
Washington county, two (2) members.

SEC. 2. Any new county which may hereafter be created shall constitute a Senatorial District, and shall elect one Senator, and shall elect one representative.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 14, 1907.

SENATE BILL NO. 149.

AN ACT

TO AMEND SECTION 5 OF AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 1, 2, 3, 4, 7, 8, 9, 10, 16, 17, 18, 19, 23, AND 28 OF AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FISH AND GAME WARDEN AND DEPUTY WARDENS, DEFINING THEIR DUTIES,' ETC.," COMMONLY KNOWN AS THE FISH AND GAME LAW, APPROVED MARCH 4, 1907; CHANGING THE DATES IN WHICH IT IS LAWFUL TO KILL OR DESTROY GROUSE

FROM BETWEEN THE FIRST DAY OF SEPTEMBER TO THE FIRST DAY OF DECEMBER, TO FROM THE FIFTEENTH DAY OF AUGUST TO THE FIRST DAY OF DECEMBER.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 5 be amended to read as follows:

Section 5. It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any Mongolian pheasant, Canadian grouse, commonly called fool hen, or swan within the State of Idaho for a period of four years next following the passage of this act. It shall be unlawful for any person or persons to kill or destroy any quail within the State of Idaho, except between the first day of November and the first day of December of each year, or to kill more than eighteen of these birds in any one day, or to sell any at any time. It shall be unlawful for any person to ensnare or trap any of the birds protected by this act at any time of the year.

It shall be unlawful for any person to kill or destroy any sage hen, except between the first day of August and the first day of December, or for any person to kill more than twelve of these birds in any one day. It shall be unlawful for any person or persons to kill or destroy any species of snipe or plover, except between the fifteenth day of September and the first day of January of each year. It shall be unlawful for any person or persons to kill or destroy any grouse except between the fifteenth day of August and the first day of December, or for any person to kill more than twelve of these birds in any one day. It shall be unlawful for any person to kill or destroy any partridge, pheasant, turtle dove or prairie chicken, except between the first day of September and the first day of December or for any person to kill more than twelve of these birds in any one day.

It shall be unlawful for any person to kill or destroy any wild duck, except between the fifteenth day of September and the first day of January, or for any person to kill more than twenty-four of them in any one day. It shall be unlawful for any person or persons to kill or destroy any wild geese, except between the fifteenth day of September and the first day of January, or for any person to kill more than three of them in any one day.

It shall be unlawful for any person or persons to destroy the nests, eggs, or young birds of any game bird, or to molest such game birds or their young, during the breeding season,

and any person or persons found guilty of destroying the nests, or destroying game birds or their young during the breeding season and when such birds are protected by law, shall be guilty of a misdemeanor.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed; and an emergency existing therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved 14th March, 1907.

SENATE BILL NO. 84.

AN ACT

PROVIDING FOR THE APPOINTMENT OF A STATE BOARD OF TEXT BOOK COMMISSIONERS FOR THE PURPOSE OF SELECTING A UNIFORM SERIES OF TEXT BOOKS FOR THE STATE OF IDAHO AND MAKING CONTRACTS FOR THE SAME; DEFINING THE DUTIES OF SAID BOARD OF TEXT BOOK COMMISSIONERS AND MAKING AN APPROPRIATION FOR THE CARRYING OUT OF SUCH DUTIES; AND FURTHER DESIGNATING HOW THE PROVISIONS OF SAID ACT SHALL BE ENFORCED.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That it shall be the duty of the State Board of Education of the State of Idaho to appoint a State Board of Text Book Commissioners on or before the first day of April, 1907. Said board shall consist of seven members, one of which shall be the State Superintendent of Public Instruction, who shall be ex-officio chairman of the said board and two of which shall be practical business men. Any resident of the State of Idaho who has had not less than five years experience as a teacher, and who at the time of receiving and holding the appointment shall be actually engaged in school work in the State of Idaho, shall be eligible for appointment to membership of said State Board of Text Book Commissioners as herein provided. The term of office of said board shall be six years, and the State Board of Education of the State of Idaho is hereby empowered to fill any vacancy that may arise in said board. Said board shall have power to formulate rules for the government of its own proceedings and three members

shall constitute a quorum: *Provided*, That the restrictions relating to the eligibility for appointment to membership does not include the appointment of the two business men.

SEC. 2. The said Board of Text Book Commissioners shall hold its first meeting at the State capitol in the Senate chamber on or before the fifteenth day of April, 1907, for the purpose of organization and the formulation of terms of proposal and contracts for the furnishing of text books to the State of Idaho. The second meeting shall be held at the same place not later than the seventh day of June, 1907, for the purpose of selecting and adopting a uniform series of text books for use in all the public schools of the State, excepting as hereinafter provided. Any and all subsequent meetings of said State Board of Text Book Commissioners shall be held at a time and place designated by the State Superintendent of Public Instruction, and said Superintendent of Public Instruction is hereby authorized to call any such meeting, provided that such subsequent meeting shall be called only in accordance with the formal written request of a majority of the members of the said State Board of Text Book Commissioners. Such formal request shall set forth the purpose for which such meetings shall be called.

SEC. 3. Immediately following the first meeting of the State Board of Text Book Commissioners, the State Superintendent of Public Instruction shall, in accordance with the instructions of the said board, advertise for at least thirty days in two newspapers having a general circulation throughout the State, giving notice that the said State Board of Text Book Commissioners will meet as herein provided, and will consider said offers and proposals for supplying the schools of the State of Idaho with a uniform series of text books for use in all public schools of the State, excepting as hereinafter provided in the following branches, to-wit:

Spelling	United States History
Arithmetic	Civil Government
Physiology & Hygiene	Writing
Reading	Grammar
Geography	

and in all other branches taught in common, graded and high schools of the State, as prescribed in the State Course of Study of the State of Idaho. Said proposals shall be in accordance with the form of proposal supplied by the State Board of

Text Book Commissioners, and shall name the exchange price, net wholesale price f. o. b. cars at each publisher's address, mailing price of single copies to districts or individuals, provided that the price so quoted on such books shall not exceed the lowest price quoted to any dealer, state, county, township, school district or any other individual or corporation in the United States.

SEC. 4. It shall be the duty of said State Board of Text Book Commissioners to meet at the time and place mentioned and to carefully consider all proposals made to them in regular form for the furnishing of the said text books as hereinbefore provided, and said board shall select and adopt such text books for use in all the public schools, as will in their judgment best subserve the interests and promote the progress of the public schools of the State. The series of text books so selected and adopted by the said State Board of Text Book Commissioners shall be certified to by the chairman, and said certificate, with a copy of all books named therein, and the contracts for the same, shall be placed on file in the office of the State Superintendent of Public Instruction. Such certificate must contain a complete list of all books adopted by the said board, giving the price for which each kind and grade of books will be furnished, and the name and address of the publisher agreeing to furnish the same. The said books named in said certificate shall, for a period of six years from and after the first day of September, 1907, be used in all the public schools in the State, to the exclusion of all others as texts: *Provided*, That in independent school districts in the State of Idaho, if it shall appear to the board of trustees of such independent school district or districts, that on account of special conditions existing in connection with the adopted course of study or the special conditions of the school work and school environment, the adoption of one or more additional text books, or the adoption of some one or more text books differing from the generally adopted list as provided elsewhere in this act, shall be to the best interests of the educational work of such independent school district, then said board of trustees of such independent school district may by presenting their claim, or by appearing in person or through an officially chosen representative, before the State Board of Text Book Commissioners, at a regularly called meeting, secure consideration of said claim for such special adoption, and may submit such special information as may enable the State

Board of Text Book Commissioners to reach a conclusion concerning the merits of said claim for special adoption; and the State Board of Text Book Commissioners is hereby authorized, if deemed advisable, to make such special adoption for such independent school district or districts: *Provided, further,* That in any and all such cases, the decision of the State Board of Text Book Commissioners as to such adoption shall be final, and that all text books adopted in accordance with such decisions shall be used by such independent school district for a period of six years from and after the first day of September, 1907, to the exclusion of all other school books as texts. It shall be the duty of the Superintendent of Public Instruction to enforce the use of said text books in all public schools of the State and to withhold twenty-five per centum of the state school funds apportioned to any school district neglecting or refusing to introduce and use said books as hereinbefore provided.

SEC. 5. The said Board of Text Book Commissioners shall have power to make such contracts and agreements with the publishers as they shall deem necessary for the best interests of the public schools of the State, and shall require of all publishers contracting and agreeing to furnish books adopted by the said commissioners, to furnish a good and satisfactory bond in the amount of not less than twenty-five hundred (2,500.00) dollars as a guarantee of the faithful performance of the conditions of the said contract.

SEC. 6. It shall be the duty of book publishers furnishing books to the State of Idaho under this act, to have printed and keep on hand at all times, free of charge, at the office of the county superintendent of public instruction in each county of the State of Idaho, a sufficient number of lists of the text books, adopted by the said board, with the price of each of the said books as certified to in said certificate; and each county superintendent of public instruction shall immediately forward one such list to each trustee and to each teacher in his or her county.

SEC. 7. It shall be the duty of the book publishers furnishing books to the State of Idaho under this act, to keep the books they agree to furnish on hand at all times at their places of business, and at such places in the State of Idaho as hereinafter provided.

SEC. 8. Not later than the first Monday in August fol-

lowing the adoption and at such times thereafter as may be necessary to properly supply the schools of said districts, the chairman of each of the boards of trustees of the schools of each county which supply free text books, shall forward to the county superintendent of his county, a list of the kinds of books and the number of each kind which shall be required to supply the pupils of the schools of his district. Immediately upon receipt of this requisition from the chairman of the board of trustees, the county superintendent shall order from the nearest depository furnishing said books, the books designated therein, and upon delivery of said books to the said trustee, the trustee shall cause to be issued in regular form, payable to the dealer who furnishes the books, a warrant covering the value of said books as established by contract existing between said publishers and the State Board of Text Book Commissioners: *Provided*, That if from any cause the accounts are not paid within ninety days, the same shall draw interest at the rate of seven per centum per annum from the date of the shipment of the books to the date of the payment.

SEC. 9. The clerk of each school district which supplies free text books and the county superintendent of public instruction shall keep an account of all books ordered, showing the number of the district, the number of kinds of books, the date of the order, the place from whence ordered, the date and the amount of the remittance, and such other items as will in their judgment render the whole transaction easily understood.

SEC. 10. The clerk of the board of trustees is hereby made the custodian of the text books belonging to the district, and he shall on the morning of the opening of the school, or prior thereto, count out the number of the books belonging to the district, noting carefully the condition of said books, and placing the same in the hands of the teacher, taking a receipt for same, and at the end of the term of school the said clerk of the board of trustees shall receive the said books from the teacher, giving his receipt for them, and any missing or destroyed books shall be accounted for by the teacher: *Provided*, That the pupil shall be responsible through his parent or guardian, to the district, if the responsibility is fixed upon said pupil; and *Provided, further*, That no one shall be responsible for the natural wear and tear of the books. In the interim of the sessions of the school, the clerk of the board

of trustees shall safely keep the books and use due diligence in their preservation.

SEC. 11. It shall be the duty of the book publishers furnishing books to the State of Idaho under this act, to keep at all times on deposit at Boise, Pocatello, Lewiston and Coeur d'Alene, all in the State of Idaho, a sufficient number of the books they contract to furnish.

SEC. 12. The said State Board of Text Book Commissioners shall each receive his actual and necessary expenses, including railway fare, while in the discharge of his official duties, including the time actually and necessarily consumed in going to and returning from the meeting of the board. Such claim for expenses shall be accompanied by vouchers and upon being presented to the board in duplicate with vouchers attached and being passed by the same, the vouchers shall be signed by the secretary of the board, countersigned by the chairman and transferred to the State Auditor. The State Auditor shall present such vouchers to the State Board of Examiners, who, upon finding the same to be correct, shall issue warrants upon the proper fund as hereinafter provided.

SEC. 13. There is hereby appropriated from any funds in the State of Idaho not otherwise appropriated, the sum of one thousand (1,000.00) dollars, or so much thereof as shall be necessary to carry out the provisions of this act. Such fund shall constitute the Idaho State Text Book Commission Fund.

SEC. 14. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 15. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after the date of its passage and approval.

Approved March 14, 1907.

HOUSE BILL NO. 85. (SUBSTITUTE FOR 27).

AN ACT

CONCERNING LEASES OF LIVE STOCK; REQUIRING THAT THEY BE IN WRITING, ACKNOWLEDGED AND FILED OF RECORD AS ARE CHATTEL MORTGAGES; AND PROVIDING THAT THE FAILURE TO COMPLY WITH THIS ACT RENDERS THE INTEREST OF THE LESSOR SUBJECT TO

THE CLAIMS OF CREDITORS OF THE LESSEE AND SUBSEQUENT PURCHASERS AND INCUMBRANCERS OF THE PROPERTY IN GOOD FAITH AND FOR VALUE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That all leases of more than ten head of live stock must be in writing and must be acknowledged in like manner as grants of real property and filed of record in the same county recorder's office or offices and within the same time and manner and for the same fee as are chattel mortgages; and the failure to comply with the provisions of this act renders the interest of the lessor in the property subject and subsequent to the claims of creditors of the lessee and subsequent purchasers and incumbrancers of the property in good faith and for value.

Approved March 14, 1907.

SENATE BILL NO. 69.

AN ACT

TO AMEND SECTION 29 OF AN ACT ENTITLED "AN ACT TO REGULATE THE APPROPRIATION AND DIVERSION OF THE PUBLIC WATERS, AND TO ESTABLISH RIGHTS TO THE USE OF SUCH WATERS, AND THE PRIORITY OF SUCH RIGHTS," APPROVED MARCH 11, 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 29 of an act of the Legislature of the State of Idaho, entitled "An act to regulate the appropriation and diversion of the public waters, and to establish rights to the use of such waters, and the priority of such rights," Approved March 11, 1903, be, and the same is hereby amended to read as follows:

Section 29. Water masters herein provided for, shall each be entitled to pay at the rate of not to exceed four (\$4.00) dollars per day for each day he shall be actually employed in the duties of his office. Said water master shall make up a sworn statement which shall be approved by the water commissioner, which statement shall show the number of days said water master had devoted to the distribution of such water, and the number of days his assistant or assistants have devoted to the same purpose, and such statement shall also show the

volume of water, stated in cubic feet per second, he has, by virtue of the allotment of said waters, delivered to each user each day, and shall describe the lands to which said water was so delivered. The pay for the services of said water master and his assistants shall be a charge against the land of the users to which said water was so delivered, the expense for said services being first divided between all classes as to priority of allotment or decree, on the proportion which the number of days such water is received by all users in the same class of priority of allotment or decree bears to the whole number of days said water master is engaged in distributing said water; the amount charged to each user in the same class of priority of allotment or decree bearing the same proportion to the amount charged to all users in the same class of priority of allotment or decree as to the volume of water delivered to each user bears to the whole amount delivered to all of like class of priority of allotment or decree by the said water master and his assistants. This statement which shall show the proper distribution of the said expenses among the various users, shall be filed with the auditor and recorder of the county or counties in which the said water was delivered: *Provided*, That when any portion of the allotted waters are distributed by said water master to the canal of any duly organized canal company, the amount of the expense chargeable for such services shall be a charge against such canal, and the amount of such charge to be paid by the county in the manner herein provided, shall be charged as a tax against such canal, which tax shall be collected in the manner provided by law for the collection of other taxes, and that no canal in this State shall be exempt from the payment of such tax.

Approved March 15, 1907.

SENATE BILL NO. 127.

AN ACT

TO AMEND SECTION 4824 OF THE REVISED STATUTES OF THE STATE OF IDAHO, RELATING TO DECISIONS OF THE SUPREME COURT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 4824 of the Revised Statutes of Idaho be amended to read as follows:

Section 4824. Upon an appeal from a judgment, the court may review the verdict or decision and any intermediate order or decision, if excepted to, which involves the merits or necessarily affects the judgment, except a decision or order from which an appeal might have been taken: *Provided*, That whenever there is substantial evidence to support a verdict the same shall not be set aside.

SEC. 2. Whereas, an emergency exists, this act shall take effect from and after its passage and approval.

Approved March 15, 1907.

SENATE BILL NO. 140.

AN ACT

TO AMEND SECTIONS 1, 2, 3, 5, 6, 12, 15, 16, 17, 19, 21, 22, 29, 30, 35, 44, 45, 47, 48, 49, 50 AND 51, AND TO REPEAL SECTIONS 11, 18, AND 20 OF AN ACT ENTITLED "AN ACT RELATING TO IRRIGATION DISTRICTS AND TO PROVIDE FOR THE ORGANIZATION THEREOF AND TO PROVIDE FOR THE ACQUISITION OF WATER AND OTHER PROPERTY AND FOR THE DISTRIBUTION OF WATER THEREBY FOR IRRIGATION PURPOSES, AND FOR OTHER AND SIMILAR PURPOSES," APPROVED MARCH 19, 1903, AND TO INSERT IN SAID ACT (AFTER SECTION 2, TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 2A AND 2B; AND AFTER SECTION 3, ONE NEW SECTION TO BE KNOWN AS SECTION 3A; AND AFTER SECTION 12, ONE NEW SECTION TO BE KNOWN AS SECTION 12A; AND AFTER SECTION 15, FOUR NEW SECTIONS TO BE KNOWN AS SECTIONS 15A, 15B, 15C, AND 15D; AND AFTER SECTION 33, ONE NEW SECTION TO BE KNOWN AS SECTION 33A; AND AFTER SECTION 60, ONE NEW SECTION TO BE KNOWN AS SECTION 60A.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That sections 1, 2, 3, 5, 6, 12, 15, 16, 17, 19, 21, 22, 29, 30, 35, 44, 45, 47, 48, 49, 50 and 51 of an act entitled "An act relating to irrigation districts and to provide for the organization thereof and to provide for the acquisition of water and other property and for the distribution of water thereof for irrigation purposes, and for other and similar purposes, approved March 9, 1903, be, and they are hereby amended, that sections 11, 18 and 20 of said act be repealed and that

said act be further amended by inserting therein after section 2, two new sections to be known as sections 2a and 2b; and after section 3, one new section to be known as section 3a; and after section 12, one new section to be known as section 12a; and after section 15, four new sections to be known as sections 15a, 15b, 15c, 15d; and after section 33, one new section to be known as section 33a; and after section 60, one new section to be known as section 60a, and that said amended and repealed sections read as follows:

Section 1. Whenever fifty, or a majority, of the holders of title, or evidence of title to lands susceptible of one mode or irrigation from a common source and by the same system of works, desire to provide for the irrigation of the same, or when for other reasons they desire to organize the proposed territory into one district, they may propose the organization of any irrigation district under this act; Provided, Said holders of title or evidence of title shall hold such title or evidence of title to, at least, one-fourth part of the total area of the land in the proposed district, which will be assessable for the purposes of the district. The equalized county assessment roll next preceding the presentation of a petition for the organization of an irrigation district shall be sufficient evidence of title for the purpose of this act, but other evidence may be received, including receipts or other evidence of the rights of entrymen on lands under any law of the United States or of this State and such entrymen shall be competent signers of such petition and the lands on which they have made such entries shall, for the purposes of said petition, be considered as owned by them.

Section 2. A petition shall be first presented to the board of county commissioners of the county in which the greatest proportion of the proposed district is situated, signed by the required number of holders of title or evidence of title to the required area of such proposed district, evidenced as above provided, which petition shall set forth and describe with the degree of certainty required by law in a tax roll all the lands proposed to be included in said district and shall state whether it is proposed to purchase irrigation works already in operation or to construct new works, or as the case may be, and shall pray that the same be organized into an irrigation district.

Section 2A. If it be proposed by said petition to construct new works for the irrigation of said lands, or to purchase works only partially completed and not yet in operation,

the petitioners must accompany the petition with a map of the proposed district. Said map shall show the location of the proposed canal or other works by means of which it is intended to irrigate the proposed district, and of all the canals situated within the boundaries of the proposed district: *Provided*, That canals that only pass through said lands and which do not in fact irrigate any of the same need not be shown. If said water supply be from natural streams, the flow of said stream or streams shall be stated in terms of cubic feet per second. If the water supply for said district is to be gathered by storage reservoirs, said map shall show the location of said proposed reservoirs, and shall give their capacity in acre feet. Said map shall be drawn to a scale of two inches to the mile. Cross sections of the proposed canal, and all canals existing within the boundaries of said proposed district and shown on said map, and of all proposed dams and embankments, shall be given in sufficient number to show the contemplated mode of construction, and the capacity shall be given in cubic feet per second of the proposed and said existing canals. Such cross sections shall be drawn to a scale of ten feet to the inch, and said map and cross sections, together with an estimate of the costs of such works, shall be certified to by a well known and competent irrigation engineer. The petitioners must also accompany the petition with a bond, to be approved by the said board of county commissioners, in double the amount of the probable cost to the county of organizing such district, conditioned that the bondsmen will pay all said costs, in case said organization be not effected. Such petition may be filed with the clerk of the board of county commissioners at any time and on such filing said clerk shall publish a general notice that (giving the first name on the petition) and others have filed a petition for the organization of an irrigation district. If it be proposed in said petition to construct a new canal system, such notice shall state that fact and give the numbers of the sections in which the lands are situated which it is proposed to include in said district, but if it is proposed to purchase a canal already in operation, the notice shall state that fact and give the name by which such canal system is generally known and shall state that the lands covered by said canal system are the lands proposed to be included in such district. The notice shall further state the time at which such petition will be presented to the board of county commissioners, which time shall be during a regular meeting of said

board or a special meeting called for that purpose, and such notice shall be published two weeks before the day on which the same is to be presented, and if any portion of such proposed district be within another county or counties, then said notice shall be published in a newspaper published in each of said counties. When such petition is presented, the said board shall set a time for a hearing upon the same, which time shall not be less than four nor more than eight weeks from the date of presentation. A notice of the time of such hearing shall be published by said board, at least three weeks before the time of such hearing, in a newspaper published within each of the counties in which any part of said district is situated. A copy of such petition and all maps and other papers filed with the same shall be filed in the office of the State Engineer at least four weeks before the date set for such hearing. It shall be the duty of the State Engineer to examine such petition, maps and other papers, and, if he deem it necessary, to further examine the proposed district, the works proposed to be purchased, or the location of the works to be constructed, and he shall prepare a report upon the matter in such form as he deems advisable and submit the same to the board of county commissioners at the meeting set for the hearing of said petition. Whenever the State Engineer shall report to the board of county commissioners against the organization of such district, said board of county commissioners shall refuse to further consider such petition unless he be requested in writing so to do by three-fourths of the land owners in said proposed district, such ownership to be determined as provided in section one of this act, and at the time set for said hearing the said board may, on receiving an adverse report from the State Engineer, adjourn the proceedings for two weeks for the purpose of enabling the petitioners to file a request for such further proceedings. In any case, the petitioners may amend such plan of irrigation at such hearing to meet the approval of the State Engineer or as they may find advisable, and when they shall have determined to proceed with the matter, said board may adjourn such hearing from time to time, not exceeding four weeks in all and on the final hearing make such changes in the proposed boundaries as they may find proper, and shall make an order on their records describing the lands which they shall have determined to include in said district and stating that such lands will be organized into an irrigation district if the vote of elec-

tors thereafter to be taken on the proposition shall be favorable to such organization; *Provided*, That any person whose lands are susceptible of irrigation from the same source, may, in the discretion of the board, upon application by him, have such lands included in said district. Such board shall also make an order dividing the district into three divisions of as nearly equal size as may be practicable which shall be numbered first, second and third; and one director who shall be an elector and resident in the division shall be elected from each division by the district at large.

Section 2B. Said board shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the lands in said district with the certainty required in an ordinary deed and shall state the name of the proposed district as designated by the board of commissioners, and shall state that a map showing the lands in said district is on file in the office of the board of county commissioners, which map, if not previously made as required herein, shall be made by the petitioners after the determination of said commissioners of the question of what lands shall be included in the proposed district and if previously made, lands added to said district or deducted therefrom by the board may be indicated thereon. Said notice shall be published for four weeks prior to such election, in a newspaper published within each of said counties as aforesaid. Such notice shall require the electors to cast ballots which shall contain the words "Irrigation District. . . . Yes," or "Irrigation District. . . . No," or words equivalent thereto, and also the name of one person from each such division for directors of said district. No person shall be entitled to a vote at any election held under the provisions of this act unless he shall possess all the qualifications required of electors under the general laws of the State, and be a holder of land and a resident in the proposed district: *Provided*, That when it is proposed in said petition to build new irrigation works all persons who possess the qualifications of electors under the general laws of the State and residing within any county in which said district or any part thereof is situated, and competent to sign said petition, shall be permitted to vote at all elections and hold office in said district until such irrigation works are complete and in operation.

SEC. 3. Such election shall be conducted as nearly as

practicable in accordance with the general laws of the State: *Provided*, No particular form of ballot shall be required, and that the provisions of the election laws as to the form and distribution of ballots shall not apply. At the time of making said order, said board of county commissioners shall establish as many election precincts, not exceeding three, as may be necessary and define the boundaries thereof, which boundaries, when the district is divided into three precincts, shall be the same as the division boundaries above provided for, and which said precincts may thereafter be changed by the board of directors of such district except in case of three precincts. Said board shall appoint a registrar for each precinct so established, who shall have the same power and shall perform the same duties and receive the same compensation as registrars under the general election laws of the State, but there shall be added to the usual elector's oath the following words: "And I am a resident and holder of land within the boundaries of the irrigation district," or the following words: "And I am a resident of this county and a holder of land within the boundaries of the irrigation district." Said board shall also appoint three judges of election for each such election precinct who shall perform the same duties as near as may be as judges of election under the general laws of the State. The petition, together with all maps, cross-sections, and papers filed therewith, shall, at all proper hours, be open to public inspection at the office of the clerk of the board of county commissioners between the date of their said filing and the date of the final hearing thereon.

Section 3A. Immediately after any election, for voting upon the organization of an irrigation district, the judges of said election shall forward the official results of said election to the clerk of said board of county commissioners. The said board of county commissioners shall meet within ten days after said returns are received, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that two-thirds of the votes cast are "Irrigation District..... Yes," the said board shall by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving respectively the highest numbers of votes for such several offices, to be duly elected to such offices and no action shall be commenced or maintained, or defense made affecting the validity of such organization after

two years from and after the making and entering of said order. Said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands are situated. If it shall appear, however, that more than one-third of said votes are "Irrigation District..... No," then a record of that fact shall be duly entered upon the minutes of said board, and all proceedings in regard to the organization of said district shall be void, and the expenses properly incurred thereunder may be collected on the bond provided for in section 2A of this act. From and after the date of such filing of said order of the board of county commissioners, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying according to law, and shall hold such offices, respectively, until their successors are elected and qualified. The board of directors so elected shall meet within thirty days after their election and elect a president, and appoint a secretary and treasurer, who shall preform the duties imposed upon such officers under this act. All officers of the district, except as above provided, must be residents thereof. Such treasurer shall execute an official bond in the sum of five thousand dollars, to be approved by the board of directors of the district: *Provided*, That when the amount of money in the hands of said treasurer exceeds the sum of five thousand dollars, said board of directors shall require an additional bond in the sum at least double the amount of the money in the hands of said treasurer in excess of said five thousand dollars.

SEC. 5. The secretary of the district shall give notice of all elections in said district subsequent to the organization thereof by posting the same in three public places in each such precinct and in the office of said board at least four weeks before the day of such election, which notices shall state the time of said election and the polling place in each precinct; and the officer to be elected or other question to be voted upon, as the case may be. At least ten days before the holding of any such election, the board of directors shall appoint three electors of each precinct judges of election therein who shall constitute a board of election for such precinct.

At least four weeks before any such election said board of directors shall appoint a registrar for each precinct of the district, except the precinct in which the office of the secretary

of the board is located. In the precinct in which his office is located, or where there is but one voting precinct in the district, the secretary of the district shall act as registrar. Such registrars shall be governed in the performance of their duties by the general election laws of the State as far as they are applicable; and must be at their places of registration, to receive applications for registration, from 9 o'clock a. m. to 9 o'clock p. m., on each of three Saturdays next preceding the date of election. In addition to the usual elector's oath, the following shall be added: "And I am a resident in, and holder of land within the boundaries of.....Irrigation District," or the following words: "And I am a resident of this county and a holder of land within the boundaries of the..... Irrigation District." No election for any purpose shall be held in any irrigation district without such registration, and only those persons duly registered shall be allowed to vote thereat.

SEC. 6. The said judges shall elect a chairman who may:

1st. Administer all oaths required in the progress of an election.

2d. Appoint judges and clerks, if during the progress of an election, any judge or clerk ceases to act.

Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of the election. The board of election of each precinct, must, before opening the polls, appoint two clerks to act as clerks of election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The time of opening and closing the polls, the manner of conducting the election, canvassing and announcing the result, the keeping of tally lists and the making and certifying said result, and the disposition of the ballots after the election, shall be the same as near as may be as provided for election under the general election law of the State: *Provided*, That the returns shall be delivered to the secretary of the district, and that no list, tally paper or certificate returned from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns, and they shall proceed in the same manner and with like ef-

fect, as near as may be, as the board of county commissioners in canvassing the returns of general elections, and when they shall have declared the result, the secretary shall make full entries in his records in like manner as is required of the county recorder in general elections. The board of directors must declare elected the person or persons having the highest number of votes given for each office. The secretary must, immediately, make out and deliver to such person or persons a certificate of election signed by him and authenticated with the seal of the board. In case of a vacancy in the office of director the vacancy shall be filled by appointment by the remaining members of the board from the division in which the vacancy occurred. An officer appointed to fill a vacancy as above provided shall hold his office until the next regular election for said district, at which election a director shall be elected for the remainder of the unexpired term.

SEC. 12. On the first Tuesday in January next following their election, the board of directors shall meet and organize as a board, elect a president from their number and appoint a secretary and treasurer, who shall each hold office during the pleasure of the board. On the organization of the first board of directors of any such district, they shall designate some place within the district as the office of said board and said board shall hold a regular monthly meeting in their office on the first Tuesday in every month, and such special meetings as may be required for the proper transaction of business: *Provided*, That all special meetings must be ordered by the president or a majority of the board, the order must be entered of record, and the secretary must give each member not joining in the order five days' notice of such special meetings. The order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted: *Provided further*, That whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business; but on all questions requiring a vote there shall be a concurrence of, at least, a majority of the members of the board. All records of the board shall be open to the inspection of any elector during business hours.

Section 12A. Said board shall have the power, to manage and conduct the business and affairs of the district; make

and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required and to prescribe their duties; establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of such land as may be necessary and just to secure the just and proper distribution of the same. Said by-laws, rules and regulations must be printed in convenient form for distribution throughout the district. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation work and the line of any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire either by purchase, condemnation or other legal means, all lands and water rights, and other property necessary for the construction, use and supply, maintenance, repair and improvements of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district hereinafter provided for may be used to their par value in payment. Said board may also construct the necessary dams, reservoirs and works for the collection of water for said district; and do any and every lawful act necessary to be done that sufficient water may be furnished to each land owner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, together with the rights-of-way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law.

SEC. 15. As soon as practicable after the organization of any such district the board of directors shall, by a resolution entered on its records, formulate a general plan of its proposed operations, in which it shall state what constructed works or other property it purposes to purchase and the cost of purchasing the same; and further what construction work it proposes to do and how it proposes to raise the funds for carrying out said plan. For the purpose of ascertaining the cost of any such construction work, said board shall cause such

surveys, examinations and plans to be made as shall demonstrate the practicability of such plan and furnish the proper basis for an estimate of the cost of carrying out the same. All such surveys, examinations, maps, plans and estimates, shall be made under the direction of a competent irrigation engineer and certified by him. Said board shall then submit a copy of the same to the State Engineer and within ninety days thereafter the State Engineer shall file a report upon the same with said board, which report shall contain such matters as in the judgment of the State Engineer may be desirable. Upon receiving said report said board of directors shall proceed to determine the amount of money necessary to be raised and shall immediately thereafter call a special election, at which shall be submitted to the electors of said district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district, or the right to enter into an obligation with the United States in the manner hereinafter provided, in the amount as determined shall be authorized. Notice of such election must be given by posting notices in three public places in each election precinct in said district at least four weeks before the date of said such election and the publication thereof for the same length of time in some newspaper published in the district, and in case no paper is published in the district then in a paper published in each county in which the district or any part thereof is located. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued, and, in case such maps and estimates have been made, it shall further state that copies thereof, and, in all cases it shall state that said report of the State Engineer, are on file and open to public inspection by the people of the district, at the office of said board and at the office of the State Engineer at the State Capitol. Said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers: *Provided,* That no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" or "Bonds—No," or words equivalent thereto. If two-thirds of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued; if more than one-third of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and en-

tered of record. And whenever thereafter said board in its judgment deems it for the best interest of the district that the question of the issuance of bonds in said amount, or any other amount shall be submitted to the electors, it shall so declare of record in its minutes, and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

Section 15A. The bonds authorized by any vote shall be designated as a series and the series shall be numbered consecutively as authorized. The portion of the bonds of a series sold at any time shall be designated as an issue and each issue shall be numbered in its order. And the bonds of each issue shall be numbered consecutively, commencing with those earliest falling due and they shall be designated as eleven year bonds, twelve year bonds, etc. They shall be negotiable in form and payable in money of the United States as follows, to-wit: At the expiration of eleven years from each issue, five per cent of the whole number of bonds of such issue; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration of seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent: *Provided*, That such percentages may be changed sufficiently so that every bond shall be an amount of one hundred dollars or a multiple thereof, and the above provisions shall not be construed to require any single bond to fall due in partial payments. Interest coupons shall be attached thereto and all bonds and coupons shall be dated on January first or July first next following the date of their authorization and they shall bear interest at a rate not to exceed seven per cent per annum, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than one thousand dollars, and shall be signed by the president and secretary and the seal of the board of directors shall be affixed thereto. Coupons attached to each bond shall be signed by the secretary. Said bonds shall express on their face that they were issued by the authority of this act, stating its title and date of approval, and shall

also state the number of the issue of which such bonds are a part. The secretary and treasurer shall each keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser. In case the money raised by the sale of all the bonds be insufficient for the completion of the plans and works adopted and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by levy of assessment therefor, in the manner hereinafter provided. After such authorization of indebtedness shall have been made by the voters evidenced by such bond election, the board of directors may, instead of issuing bonds in the manner provided in this act, enter into an obligation or contract with the United States for the construction of the necessary works under the provisions of an act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved January 17, 1902, and the rules and regulations thereunder; or the board of directors may issue bonds for a portion of the amount of indebtedness authorized by such bond election and enter into an obligation or contract with the United States to the extent of the remainder of such amount.

Section 15B. Whenever any amount of money shall have been advanced by the United States for the construction of irrigation works contemplated under the provisions of this act by the authority of said act of Congress, the taxing powers of the district, as provided in this act, shall be used to repay into the treasury of the United States the amount of money so advanced in the manner contemplated in this act and as may be provided in such contract between the directors of said district and the United States; and such levies and assessments shall be made each year under the authority of the district as will return to the treasury of the United States the amount or proportion of such money advanced as may have been agreed to in such contract. The works constructed under the provisions of such contract with the United States shall be controlled and administered by the district in accordance with the provisions of said act of Congress and the regulations thereunder.

Section 15C. Whenever the electors shall have authorized an issue of bonds as hereinbefore provided, the board of directors shall examine each tract or legal subdivision of land

in said district and shall determine the benefits which will accrue to each of such tracts or subdivisions from the construction or purchase of such irrigation works; and the cost of such works shall be apportioned or distributed over such tracts or subdivisions of land in proportion to such benefits; and the amount so apportioned or distributed to each of said tracts or subdivisions shall be and remain the basis for fixing the annual assessments levied against such tracts or subdivision in carrying out the purposes of this act. Such board of directors shall make, or cause to be made, a list of such apportionment, or distribution, which list shall contain a complete description of each subdivision or tract of land of such district with the amount and rate per acre of such apportionment or distribution of cost, and the name of the owner thereof; or they may prepare a map on a convenient scale showing each of said subdivisions or tracts with the rate per acre of such apportionment entered thereon: *Provided*, That where all lands on any map or section of a map are assessed at the same rate a general statement to that effect shall be sufficient. Said list or map shall be made in duplicate and one copy of each shall be filed in the office of the State Engineer, and one copy shall remain in the office of said board of directors for public inspection. Whenever thereafter any assessment is made either in lieu of bonds or any annual assessment for raising the interest on bonds or any portion of the principal or the expenses of maintaining the property of the district or any special assessment voted by the electors, it shall be spread upon the lands in the same proportion as the assessment of benefits and the whole amount of the assessment of benefits shall equal the amount of bonds or other obligations authorized at the election last above mentioned.

Section 15D. After the board shall have examined the lands in said district and before proceeding to make the assessment of benefits and the list and apportionment as provided in the last preceding section, they shall give notice to the owners of said lands that they will meet at their office on a day to be stated in said notice for the purpose of making such assessment and list and apportionment. They shall, as far as practicable, give such notice by a postal card mailed or delivered to each of said land owners and the same shall be mailed or delivered to land owners residing out of the county where said office is located at least ten days before the day fixed for such meeting, and to such as reside in said coun-

ty it shall be so mailed or delivered at least six days before the time for such meeting. For the purpose of giving notice to non-residents and such owners as it is not reasonably practicable to notify personally or by mail as aforesaid, the notice shall be published in some newspaper published in the same county two weeks before the time of such meeting. At such meeting the board shall proceed to hear all parties interested who may appear and they shall continue in session from day to day until the assessment is completed. They shall hear all evidence offered, including any maps or surveys which any owners of lands may produce and they may classify the lands in such way that the assessment when completed shall be just and equitable. Any person interested who shall fail to appear before the board shall not be permitted thereafter to contest said assessment or any part thereof except upon a special application to the court in the proceedings for confirmation of said assessment, showing reasonable excuse for failing to appear before said board of directors. In case any land owner makes objection to said assesment or any part thereof before said board and said objection is overruled by the said board and the land owner does not consent to the assessment as finally determined, such objection shall without further proceedings be regarded as appealed to the district court and to be heard at the said proceedings to confirm as aforesaid.

SEC. 16. The board of directors of the irrigation district shall file in the district court of the county in which their office is situated a petition, praying in effect that the proceedings aforesaid may be examined, approved and confirmed by the court. The petition shall state generally that the irrigation district was duly organized and the first board of directors elected, that due and lawful proceedings were taken to issue bonds in an amount to be stated and that said assessment, list and apportionment were duly made and a copy of said assessment, list and apportionment shall be attached to said petition but the petition need not state other facts showing such proceedings: *Provided*, That after the organization of the district is complete a petition may be filed for the confirmation of the proceedings so far, or after the authorization of any issue of bonds such petition may be so filed, and where the procedure is by separate petitions for the confirmation of different portions of said proceedings, subsequent proceedings may be in the nature of re-opening of the same case but shall

not be considered as authorizing any rehearing of the matter theretofore heard and decided.

SEC. 17. The court or judge shall fix the time for hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in a newspaper published in the same county for four successive weeks. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the subject matter of said petition may on or before the day fixed for the hearing thereof demur to or answer said petition. None of the pleadings in said matter need be sworn to. Every material statement of the petition not controverted by answer must be taken as true, and every person or party failing to answer the petition shall be deemed to have admitted all the material allegations of the petition. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with this act are applicable to the special proceedings herein provided for. A motion for a new trial and all proceedings in the nature of appeals or rehearing may be had as in any ordinary suit at law.

SEC. 19. Upon the hearing of such special proceedings, the court shall examine all of the proceedings set up in the petition and may ratify, approve, and confirm the same or any part thereof, and in case of a petition to confirm said assessment, list, apportionment and distribution, the court shall hear all objections either filed in said proceedings or brought up from the hearing before the board of directors as aforesaid, and for that purpose, any person desiring to be heard upon objections overruled by the board of directors, shall state the substance of said objections and the ruling of the board in his answer. The court shall disregard every error, irregularity or omission which does not affect the substantial rights of any party, and if the court shall find said assessment, list and apportionment are in any substantial matter erroneous or unjust, the same shall not be returned to said board but the court shall proceed to correct the same so as to conform to this act and the rights of all parties in the premises, and the final order or decree of the court may approve and confirm such proceedings in part, and disapprove other parts of said proceedings; and in case the proceedings for the organization of the district and the issue of bonds is approved, the court shall correct all the errors in the assessment, apportionment and distribution of

costs as above provided, and render a final decree approving and confirming all of the said proceedings. In case of the approval of the organization of the district and the disapproval of the proceedings for issuing bonds, the district shall have the right to institute further proceedings for the issue of bonds de novo. The costs of the special proceedings may be allowed and apportioned among the parties thereto in the discretion of the court.

SEC. 21. The board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights and otherwise to carry out the object and purposes of this act. Before making any sale the board shall, by resolution declare its intention to sell a specified amount of the bonds, and if said bonds can then be sold at their face value and accrued interest, they may be sold without advertisement, otherwise said resolution shall state the day and hour and place of such sale, and shall cause such resolutions to be entered on the minutes, and notice of sale to be given by publication thereof at least four weeks in three newspapers published in the State of Idaho, one of which shall be a newspaper published in the county in which the office of the board of directors is situated, if there be a newspaper published in said county, and in other newspapers at their discretion. Said notice shall state that sealed proposals will be received by the board at their office for the purchase of the bonds until the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, or may reject all bids; but in case no bids are received, or all bids are rejected, at the time stated in the advertisement it shall not be again necessary to advertise the sale of the same bonds, but they may be sold at any time until cancelled: *Provided*, Said board shall in no event sell any of the said bonds for less than par or face value thereof and accrued interest. If, for any reason, the duly authorized bonds of a district cannot be sold, or if at any time it shall be deemed for the best interests of the district to withdraw from sale all or any portion of an authorized bond issue, the board of directors may, in their discretion, cancel the same and they may levy assessments to the amount of the bonds cancelled; *Provided*, That the revenue derived from said assessments must be employed for the same purpose as was contemplated

by the bond authorization; but no levy shall be made to pay for work or material, payment for which was contemplated by bonds which have been authorized, until bonds to the amount of said assessment have been cancelled. Assessments made in lieu of bonds cancelled shall be collected in the same manner and shall have the same force and effect as assessments levied under any provision of this act: *Provided*, That such assessment shall not during any one year exceed ten per cent of the total bond issue authorized by such district, unless a greater assessment shall be authorized by a majority vote of the qualified electors of the district voting at a general election or a special election called for that purpose, said special election to be held in the manner provided in section forty of this act.

SEC. 22. Said bonds and the interest thereon shall be paid by revenue derived from the annual assessment upon the land in the district; and all the land in the district shall be and remain liable to be assessed for such payments.

SEC. 26. At its regular meeting in October the board of directors shall levy an assessment upon the lands in said district upon the basis and in the proportion of the list and apportionment of benefits approved by the court as hereinbefore provided which assessment shall be sufficient to raise the annual interest on the outstanding bonds and at the expiration of ten years after the issue of said bonds of any issue must increase said assessment as may be necessary from year to year to raise a sum sufficient to pay the principal of the outstanding bonds as they mature. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called "Bond Fund of Irrigation District." In case any assessment should be made for the purpose contemplated by a bond authorization it shall be entered in a separate column of the assessment book in the same manner as the bond fund; and when collected shall constitute the "Construction Fund of Irrigation District."

SEC. 28. On or before the first day of November the secretary must deliver the assessment book to the treasurer of the district; who shall within ten days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and paya-

ble and will become delinquent at six o'clock p. m. on the first Monday of January next thereafter, and also the times and places at which the payment of the assessments may be made, which notice shall be published for the period of two weeks. The treasurer must attend at the times and places specified in the notice, to receive assessments, which must be paid in lawful money of the United States; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid with a description of the property assessed. On the first Monday of January at six o'clock p. m. of each year, all unpaid assessments for the preceding year are delinquent: *Provided*, That if any person shall pay one-half of his assessments before they become delinquent as aforesaid the remaining one-half shall not become delinquent until the first Monday in July at six o'clock p. m. of each year.

SEC. 29. On or before the second Monday of January of each year said treasurer shall begin the preparation of a delinquent list containing a description of all tracts of land upon which assessments are delinquent and the amount of assessments against each such tract and the name of the owner as shown on the assessment book, and thereafter and on or before the second Monday of July, the treasurer shall complete said delinquent list and shall properly certify the same and prepare a duplicate thereof; and deliver it to the secretary of the district. If any such assessment becomes delinquent the treasurer shall collect the same with the penalties added as provided for delinquent county and State taxes.

SEC. 30. During the first seven days of August the treasurer must commence to publish the delinquent list and the publication shall continue four weeks, which must contain the names of the persons and a description of the property delinquent at the time, and the amount of assessment and penalties and the costs due opposite each name and description. After said publication shall have been made for the first time, the treasurer shall collect twenty-five cents additional to the assessments and penalties on each description of land published. The treasurer must append and publish with the delinquent list a notice that unless the assessments delinquent together with penalties and costs are paid, the real property upon which said assessments are made will be sold at public auction, at a time and place therein specified. The publication must be

made in some newspaper published in said district, if it can be so published, and if it can not be so published, then in some newspaper published in the county in which the office of the directors is situated; and if it can not be so published, then by posting in not less than three public places in said district, one of which shall be at the door of the office of said board. The time of said sale shall be fixed for the first Tuesday in September, and the place shall be at the office of said board of directors. The treasurer as soon as he has made the publication required must file with the secretary proof of such publication by affidavit and like proof of posting, in case such notice was posted, as herein required. The treasurer must attend at the time and place specified in the notice, and conduct the sale. The sale shall be conducted in all respects in the manner provided for the sale of property for delinquent county and State taxes, and may be postponed in the same manner, and the district shall become the purchaser of the property in the cases when the county would have become the purchaser of property at sales for delinquent county and State taxes. The treasurer must retain in his office a list of the property sold, stating name or owner as appears by assessment roll, amount for which sold and date of sale, and file a duplicate list with the recorder of the county in which the land is situated. The treasurer shall execute a duplicate certificate of sale, which shall contain the statements in substance required in certificates of sale in sales of county and State delinquent taxes, one of which shall be delivered to the purchaser and the other shall be filed by the treasurer in the office of the county recorder of the county in which the land is situated. When the district is the purchaser the duplicate certificate shall be filed with the secretary. Any irrigation district as a purchaser of any land at any such delinquent tax sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the rights of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and the secretary of the board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes.

Section 33A. On the petition of fifty or a majority of the owners of land in said district, to be determined as provided by section 1 of this act, the board of directors may do any work mentioned in section 33 on behalf of the district and it may use the construction fund therefor; in such case they

need not publish notice for bids as provided in the last preceding section.

SEC. 35. The cost and expense of purchasing and acquiring property and constructing works and improvements to carry out the formulated plan, shall be paid out of the construction fund. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portion of said canal and works as are completed and in use, including salaries of officers and employees, the board may either fix rates of tolls and charges for water against all persons using said canal for irrigation or other puposes, or they may levy assessments therefor or by both said tolls and assessments: The procedure for levying, and collection of assessment shall conform to the provisions of this act relating to the payment of principal and interest of bonds. All assessments and tolls shall be listed and carried out in the regular assement book and collected by the treasurer at the time and in the manner of the regular annual assessment. All special assessments are lien on the lands assessed from the time when they are ordered. The board of directors may order tolls for water to be collected in advance. Whenever an assessment book or toll book shall be delivered to the treasurer the secretary shall charge the treasurer with the total amount of the various amounts as carried out in said books. On the second Monday of January in each year, the treasurer shall make a semi-annual settlement with the secretary and deliver to the secretary a statement in brief of all assessments delinquent at that time and account for all sums theretofore collected. The treasurer shall make such settlements for tolls at such times as may be ordered by the board. On the second Monday of July the treasurer shall make final settlement with the secretary and deliver to the secretary a duplicate delinquent list and account for all sums not shown on said delinquent list. The secretary shall then charge the treasurer with the amount of said list and penalties added, and upon receiving the affidavit of publication thereof he shall charge the treasurer with twenty-five cents additional for each description published. On the first Monday after the sale, the treasurer shall make final settlement for assessments by receiving credit for the property sold to the district and accounting for all of the balance.

SEC. 44. The holder or holders of any title, or evidence of title, representing one-half or more of any body of lands

adjacent to the boundary of an irrigation district may file with the board of directors of said district, a petition in writing, praying that said land may be annexed. The petition shall describe the lands, shall also describe the several parcels owned by the petitioners.

SEC. 45. The secretary must cause a notice of the filing of such petition to be published three weeks in the manner of notices of special elections. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in the said petition, and the prayer of said petition and it shall notify all persons interested in or that may be affected by such change of boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the lands mentioned should not be annexed to said district. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

SEC. 46. The board of directors, at the time mentioned in said notice or at such other time to which the hearing may be adjourned, shall hear the petition and all the objections thereto, showing cause, as aforesaid, the failure of any person to show cause as aforesaid shall be taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands.

SEC. 47. The board of directors may require as a condition to the granting of said petition that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated as said petitioners or their grantors would have been required to pay to such district, had such lands been included in such district, at the time the same was originally formed.

SEC. 48. The board of directors if they deem it not for the best interest of the district to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interest of the district and if no person interested shall show cause why the proposed change be not made, or if having shown cause, withdraws the same, the board may order without any election that the lands mentioned in said petition or some part thereof be annexed to said district. The order shall describe the lands to be annexed to said district and the board may cause a survey thereof to be made if deemed necessary.

SEC. 49. If any person interested shall show cause as aforesaid, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the lands which the board are of the opinion should be included within the district.

SEC. 50. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held. Notice thereof shall be given and published, and such election shall be held and all things pertaining thereto conducted in the manner prescribed by this act in case of an election to determine whether bonds of the district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the lands to be annexed to said district.

SEC. 51. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall proceed no further in the matter. But if a majority of such votes be in favor of such change, the board shall thereupon order that the boundaries be changed in accordance with said resolution. The order shall describe the land so annexed to said district and thereafter such land so annexed shall be subject to such assessment from time to time as the board of directors shall deem right under the circumstances, and such assessments shall be deemed to be assessments for benefits to said lands by reason of their annexation to said district. Immediately after the recording of the order annexing said lands to the district, the directors shall state on their minutes to which division and election precinct in said district the said lands so annexed shall be attached, and, if necessary, the board shall make an order redividing the district into divisions and election precincts in the same manner and to like effect as near as may be as provided for that purpose on the formation of a district.

Section 60A. Wherever in this act any notice is required to be given by publication, it shall be satisfied by publishing the same in a weekly newspaper the same number of times consecutively as the number of weeks mentioned in the re-

quirement. A ten days' notice shall be satisfied by two such publications, a twenty days' notice by three, and a thirty days' notice by five such publications.

Whereas, an emergency exists therefor, this act will take effect and be in force from and after its passage.

Approved March 15, 1907.

HOUSE BILL NO. 101.

AN ACT

TO AMEND SECTION ELEVEN OF AN ACT ENTITLED, "AN ACT TO REGULATE THE APPROPRIATION AND DIVERSION OF THE PUBLIC WATERS AND TO ESTABLISH RIGHTS TO THE USE OF SUCH WATERS AND THE PRIORITY OF SUCH RIGHTS," APPROVED MARCH 11, 1903.

Be It Enacted By the Legislature of the State of Idaho: *Sess 1903*

SECTION 1. That section 11 of "An act to regulate the appropriation and diversion of the public waters and to establish rights to the use of such waters and the priority of such rights," approved March 11, 1903, be so amended as to read as follows: *p 223-*

Section 11. All rights to the use of water acquired under this act or otherwise, shall be lost and abandoned by a failure, for the term of five years, to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through non-use or abandonment, such right to such water shall revert to the State and be again subject to appropriation under this act: *Provided, however,* That any person owning any land to which water has been made appurtenant either by a decree of the court or under the provisions of this act may voluntarily abandon the use of such water in whole or in part on the land which is receiving the benefit of the same, and transfer the same to other land. Such person desiring to change the place of use of such water shall first make application to the State Engineer, stating fully in such application the reasons for making such transfer. Such application shall describe the land, the use of the water on which is to be abandoned, and shall describe the land to which it is desired to have such right transferred, and if such water is to be conducted to such land through another canal or lateral or from a different point of diversion than the one described *sup p 314 of this volume.*

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in the license or decree of the court confirming such right, such facts shall be fully set out in such application, and, if the State Engineer shall require it, a plat showing the location of such land and ditches or canals or points of diversion shall be furnished by such applicant, and upon receipt of such application, the State Engineer shall examine the same and shall, provided no one shall be injured by the transfer, issue to such applicant under the seal of his office a certificate authorizing such transfer, which certificate shall state the name of the applicant and shall contain a copy of the license or an abstract of the decree confirming the right to the use of the water upon the land from which it is desired to transfer such right and a description of the land to which such right is transferred. And a fee of one dollar shall be paid the State Engineer by such applicant for such certificate of transfer issued by him, and such application shall be recorded by the State Engineer in a book kept for that purpose, and a notice that such transfer has been authorized shall be sent by the State Engineer to the water commissioner of the district in which such land is situated and such water commissioner shall notify the water master of the stream furnishing water for the irrigation of such lands of the transfer of such use, and such water master shall not thereafter divert onto the lands, the water for which has been so abandoned, any of such water, but shall divert such water, from such stream so that it may be used on the lands to which such right has been transferred: *Provided further*, That any person or persons, who are owners by decrees of court or by appropriation of water right and who have, with reasonable diligence, annually, increased the beneficial use of the water covered by such water right or who do hereafter, with reasonable diligence, annually increase the beneficial use of the water held under such water right, shall not be subject to the penalties of abandonment and loss by non-use of such water right, as provided in section eleven of this act.

Approved March 15, 1907.

SENATE BILL NO. 70.

AN ACT

TO AMEND SECTIONS 8043 AND 8047 OF THE REVISED STATUTES OF IDAHO, RELATING TO APPEALS IN CRIMINAL CASES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 8043 of the Revised Statutes of Idaho be and the same is hereby amended so as to read as follows:

Section 8043. An appeal may be taken by the State:

First. From a judgment for the defendant on a demurrer to the indictment or information;

Second. From an order granting a new trial;

Third. From an order arresting judgment;

Fourth. From an order made after judgment, affecting the substantial rights of the prosecution;

Fifth. From any ruling of the trial judge during the course of the trial on the receipt or rejection of testimony, and from any ruling of the trial judge on the giving or refusal to give instructions to the jury.

SEC. 2. That section 8047 of the Revised Statutes of Idaho be and the same is hereby amended so as to read as follows:

Section 8047. An appeal taken by the State in no case stays or affects the operation of a judgment in favor of the defendant, until the judgment is reversed: *Provided*, That when an appeal is taken by the State on any grounds stated in the fifth subdivision of section 8043, the decision on appeal shall be for the future guidance of courts only and shall in no way affect a judgment in favor of the defendant.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved March 15, 1907.

HOUSE BILL NO. 113.

AN ACT

TO AMEND SECTION 73 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES AND VILLAGES," APPROVED FEBRUARY 10, 1899, AS AMENDED BY AN ACT APPROVED MARCH 19, 1901.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 73 of an act entitled "An act

to provide for the organization, government and powers of cities and villages, approved on the 10th day of February, 1899," as amended by the act approved on the 19th day of March, 1901, be amended to read as follows:

Section 73. In addition to the powers hereinbefore granted to cities and villages under the provisions of this chapter, any city or village may, by ordinance or by-law:

First. Levy taxes for general revenue purposes not to exceed ten mills on the dollar, in any one year, on all the property within the limits of said city or village, taxable according to the laws of the State of Idaho, the valuation of such property to be ascertained from the books or assessment rolls of the tax collector of the proper county.

Second. Levy any other tax or special assessment authorized by law.

Third. Establish, lay out, alter, open any streets or alleys, and improve, repair, light, grade or sprinkle, drain the same and remove any and all obstructions therefrom, establish grades and construct bridges, cross-walks, culverts, and sewers thereon, and repair and maintain the same; cause to be planted, set out and cultivated shade trees along the lines thereof or therein; and defray the expenses of the same out of the general fund of such city or village, not exceeding two mills of the levy for general purposes, or defray the expenses of the same by a special assessment in accordance with the provisions of the fifth subdivision of this section.

Fourth. Provide by general ordinance for the construction and repair of sidewalks and for the laying of temporary plank sidewalks upon the natural surface of the ground without regard to grades, upon streets not permanently improved, and provide for the assessment of the cost thereof on the property in front of which the same shall be constructed, repaired or laid.

Fifth. Curbed, planked, paved, gravel, macadamize, gutter, grade or sprinkle any highway, street or alley therein, in whole or in part, and levy a special tax on the lots and parcels of land fronting on such highways, street or alley, to pay the expense thereof. But, unless a majority of the resident owners of the property subject to assessment for such improvement petition the council or trustees to make the same, such improvement shall not be made unless three-fourths of all the members of such council or trustees shall, by an af-

firmative vote, at a regular meeting, assent to and order the same.

Sixth. Assessments made under the provisions of subdivision "Fifth" of this section shall be made, assessed and collected in the following manner:

1. The assessment or cost of any work or improvement provided for in subdivision "Fifth" of this section, shall be assessed upon the lots and land fronting thereon, each lot being separately assessed for the full debt thereof in proportion to the benefits to the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts.

2. The expense of all improvements in the space formed by the junction of two or more streets, or wherein one main street terminates in or crosses another main street, and also all street crossings or cross-walks shall be paid by such city or village.

3. When any work or improvement mentioned in this section is done or made on one side of the center line of said alleys or public ways, the lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this act.

4. The city council or trustees shall, before, or during the grading, paving, or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass at a special meeting, a resolution or ordinance declaring its intention to make such improvement, and stating in such resolution or ordinance, the name of the street or alley to be improved, the points between which said improvement is to be made, the general character of the proposed improvement and the estimate of the cost of the same, and that the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided) of such street proposed to be improved, and shall fix the time not less than ten days, in which protests against said proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protests and affidavit of such publication shall be filed on or before the time fixed for such filing. If protests against the proposed improvement by the owners

of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein provided, be filed on or before the date fixed for such filing, the council or trustees shall not proceed further with the work unless three-fourths of the members of said council or board of trustees shall vote to proceed with such work. If no such protest is filed or if such protest is filed and three-fourths of the council or trustees shall vote to proceed with such work, the council or trustees shall, at its next regular meeting, proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance, a local improvement district shall be established to be called "Local improvement district No....." which shall include all the property fronting on the street to be improved, between the points named in such resolution, to the distance back from such street, if platted in blocks, to the center of the blocks; if platted in lots only, to the center of the lots, and if not platted to the distance of one hundred and twenty-five feet. Such ordinance shall provide that such improvements shall be made and that the cost and expense thereof shall be taxed and assessed upon all property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such lands and lots fronting thereon, and included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided*, That the city council or trustees may expend from the general fund for such purposes such sums as in their judgment may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvement.

The expense of all improvements in the space formed by the junction of two or more streets or where one main street terminates in or crosses another main street, and also all necessary street crossings or cross-ways at corners, and intersections of streets, and the expense of establishing, building and repairing bridges in such city shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid by the city. When any work for improvement mentioned in this section is done or made on one side of the center lines of said streets, avenues, or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work according to the provisions of this section. Whenever any expense or cost of

work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure.

Such suit shall be in the name of the city of..... (naming it) and plaintiff, and in any such proceedings where the court trying the same shall be satisfied that the work has been done or material furnished, which, according to the true intent of the act, would be properly chargeable upon the lot or lands through or by which the street, alley, or highway improved or repaired may pass, a recovery shall be permitted or a charge enforced to the extent of the proper proportion or the value of the work, or material which would be chargeable on such lot or land notwithstanding any informalities, irregularities or defects in any of the proceedings of such municipal corporation or any of its officers.

5. Upon the passage of an ordinance as herein provided the committee on streets, together with the city engineer, or other proper authority of such city, town or village, shall make out an assessment roll according to the provisions of the said ordinance, and shall certify the same to the council or trustees of such city, town or village.

6. Upon receiving the said assessment roll, the clerk of such city, town or village shall give notice by three successive publications in the official newspaper of such city, town or village, that such assessment roll is on file in his office, the date of filing of same, and said notice shall state a time at which the council or trustees will hear and consider objections to said assessment roll by the parties aggrieved by such assessments. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, within ten (10) days from the last publication provided herein, file with the clerk his objections, in writing, to said assessment.

7. At the time appointed for hearing objections to such assessment the council shall hear and determine all objections which have been filed by any party interested to the regularity of the proceedings in making such assessment and the correctness of such assessment, or of the amount levied on any particular lot or parcel of land; and the council shall have the power to adjourn such hearing from time to time, and

shall have power, in their discretion, to revise, correct, confirm or set aside such assessment and to order that such assessment be made de nova, and such council shall pass an order approving and confirming said assessment as corrected by them, and their decision and order shall be a final determination of the regularity, validity and correctness of said assessment to the amount thereof, levied on each lot and parcel of land.

8. Any person who has filed objections to such assessment or re-assessment as hereinbefore provided, shall have the right to appeal to the district court of this State and county in which said city or village may be situated.

9. Such appeal shall be made by filing a written notice of appeal with the clerk of such city or village within ten (10) days after such assessment or re-assessment roll shall have been approved and confirmed by the council or trustees, and said notice shall describe the property and the objections of such appellant to such assessment, and such appellant shall also file with the clerk of the district court aforesaid within twenty (20) days from the approval and confirmation of such roll by the council or trustees, a copy of said notice, appeal, assessment or re-assessment roll and proceedings thereon, certified by the clerk of such city or village, together with a bond to such city or village, conditioned to pay all costs that may be awarded against the appellant in such sum not less than two hundred (\$200.00) dollars and with such security as shall be approved by the judge of said court, and the case shall be docketed by the clerk of such court in the name of the person taking the appeal, against the city or village, as "An appeal from amendments." Said cause shall then be at issue and shall have precedence over all civil cases pending in said court, except proceedings under the act relating to eminent domain by cities and towns, actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the supreme court, as in other causes. In case the assessment is confirmed, the fees of the clerk of the city or village for copies of the record shall be taxed against the appellant with other costs.

10. All such assessments shall be known as "Special assessments for improvements" and shall be levied and collected

as a separate tax in addition to the taxes for general revenue purposes to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other city or village taxes.

11. Whenever the mayor and council, or trustees, of any city or village shall, under authority vested in them by any law of this State and the charter of such city or village, cause any street, avenue or alley in such city or village to be graded, curbed, graveled, paved, repaired or macadamized, or any other local improvements, the expense of which is chargeable to the abutting, adjoining, contiguous or approximate property, they may, in their discretion, provide for the payment of the costs and expenses thereof by installments, instead of levying the entire tax or special assessment for such costs at one time, in the name of such city or village, improvement bonds of the district, which shall include the adjoining, contiguous and approximate property liable to assessment for such local improvement according to the city or village charter, payable in installments of equal amounts each year; none of which bonds nor any of the installments shall run longer than five years nor bear interest exceeding eight per centum per annum.

Such bonds may be issued to the contractors constructing the improvement in payment thereof, or the mayor and council, or trustees by charter and ordinance of said city or village, or other authorized officer or officers of said city or village may sell the same at not less than their par value, net, and pay the proceeds thereof to the contractor. Such bonds shall not be issued in amount in excess of the contract price of the work or improvement, except that the installment coupons shall include the interest on such installments to the maturity thereof. The bonds shall be of such denomination as the mayor and council, or trustees shall deem proper. When district bonds are issued under this act for improvements, the cost of which is by law charged by special assessment against specific property, the mayor and council, or trustees, or other authorized officer, board or body, shall levy special assessments each year sufficient to redeem the installments of such bonds next thereafter maturing, but in computing the amount of special assessment to be levied against each piece of property liable therefor, interest thereon not exceeding eight per cent per annum from the date of the issuance of said bonds until the maturity of the installments of bonds next thereafter maturing. Such assessments shall be made upon the property chargeable for the

cost of such improvements, respectively, and shall be levied and collected in the same manner as may be provided by law, and the charter and ordinance of such city for the levy and collection of special assessments for such improvements where no bonds are issued, except as otherwise provided by this act. But the basis of such assessment, whether upon such assessed valuation, frontage, or otherwise liable for such costs, shall be retained for the assessment of succeeding installments of said bonds. The owner of any piece of property liable for any special assessment may redeem his property from such liability by paying the entire assessment chargeable against his property (upon the city clerk mailing him a written or printed notice) thirty days before the issuance of the bonds or after the issuance of the bonds by paying all the installments of the assessments which have been levied and also the amount of unlevied installments with interest on the latter at the rate of eight per centum per annum from the date of the issuance of the rate bonds to the time of maturity of the last installment. In all cases where installments of the assessments not yet levied and paid as above provided, whether before or after the issuance of the bonds, the same shall be paid to the city treasurer, who shall receipt therefor, and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the bonds issued therefor.

When any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable for further special assessments for the costs of such improvements except as hereinafter provided.

No suit to set aside the special assessment or to enjoin the making of the same shall be brought, nor any defense to the validity thereof be allowed after the expiration of thirty days from the time the amount due on each lot or piece of ground liable for such assessment is ascertained and confirmed by the council or trustees. The funds arising by such assessment shall be applied solely towards the redemption of said bonds.

12. Such bonds, when issued to the contractor constructing the improvement in payment thereof or when sold as above provided, shall transfer to the contractor or either owner or holder all the right and interest of such city or village in and with respect to every such assessment, and the lien thereby created against the property of such owners assessed shall have not availed themselves of the provisions of this act in regard

to the redemption of their property as aforesaid, shall authorize said contractor and his assigns and the owners and holders of said bonds to receive sue for and collect or have collected such assessment embraced in any such bond or through any of the methods provided by law for the collection of assessments for local improvements.

And if the city shall fail, neglect or refuse to pay said bonds, or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose and lien thereof in any court of competent jurisdiction, and shall recover, in addition to the amount of such bonds and interest thereon, five per centum together with the costs of such suit, including a reasonable sum as attorneys fees.

Any number of holders of such bonds for any single improvement may join as plaintiff, and any number of holders of the property on which the same are a lien may be joined as defendants in such suit. And such bonds shall be equal liens upon the property for the assessments represented by such bonds without priority of one over another to the extent of the several assessments against the several lots and parcels of land.

13. In all cases of special assessments for local improvements of any kind against any property, persons or corporations whatsoever, wherein said assessments have failed to be valid in whole or in part for want of form or sufficiency, informality or irregularity or non-conformance with the charter provisions of laws governing such assessments, the city council or trustees or other authorized board or body shall be and they are hereby authorized to re-assess such special taxes or assessments and to enforce their collection in accordance with the provisions of law existing at the time the re-assessment is made; and it is further provided, that whenever, for any cause, mistake or inadvertance the amount assessed shall not be sufficient to pay the cost of the improvement made and enjoyed by owners of property in the local assessment district where the same is made, that it shall be lawful and the city council or trustees, or other authorized board or body, is hereby directed and authorized to make re-assessments on all the property in said local assessment district sufficient to pay for such improvement, such re-assessment to be made and collected in accordance with the provisions of the law of ordinance existing at the time of its levy.

14. Nothing shall be construed as repealing or modifying any existing manner and method for cities of the first class, or those organized under special or local laws, to make improvements as herein provided for, but shall be construed as an additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner and with the effect provided in this section, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

15. The holder of any bond issued under the authority of this act shall have no claim therefor against the city or village by which the same is issued, in any event, except from collection of the special assessment made for the improvement for which said bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this sub-division shall be plainly written, printed, or engraved on the face of each bond so issued.

Seventh. Raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city or village, and to regulate by ordinance. All such taxes shall be uniform in respect to the classes upon which they are imposed: *Provided, however,* That all scientific and literary lectures and entertainments shall be exempt from such taxation.

Eighth. License, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amounts to be paid for such license: *Provided,* That the city council or board of trustees may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further,* that in granting licenses such corporate authority shall comply with whatever general laws of the state may be in force relative to the granting of licenses.

Ninth. Impose a license tax not less than three nor more than ten dollars upon the owners and harborers of dogs, and enforce the same by appropriate penalties, and to authorize the destruction of any dog, the owner or harborer of which

shall neglect or refuse to pay such license tax: *Provided*, That no such license shall authorize the keeping, owning or harboring of more than one dog.

Tenth. Appoint judges and clerks of all elections, and prescribe the manner of conducting the same, and the return thereof, and of holding special elections for any purpose provided by law.

Eleventh. Make all such ordinances, by-laws, rules, regulations, resolutions, not inconsistent with the laws of the State, as may be expedient, in addition to the special powers in this charter granted, maintaining the peace, good government and welfare of the corporation and its trade, commerce, manufactures, and to enforce all ordinances by inflicting fines or penalties for the breach thereof, not exceeding one hundred dollars for any one offense, recoverable with costs, and in default of payment, to provide for confinement in prison or jail, and at hard labor upon the streets or elsewhere for the benefit of the city or village.

Twelfth. Regulate and prescribe powers and duties, and compensations of officers not herein provided for, and to require of all officers and servants elected, approved bonds and security for the faithful performance of their duties.

Thirteenth. Make contracts with, and authorize any person, company or association, to erect gas works and to give such persons, companies or associations the exclusive privilege for furnishing gas to light the streets, lanes and alleys, for any length of time not exceeding five years.

Fourteenth. Establish, alter and change the channels of water courses, and to wall them and cover them over, to establish, make and regulate public walls, cisterns, wind mills, aqueducts, and reservoirs of water and to provide for the filling of the same.

Fifteenth. Regulate the running at large of cattle, hogs, horses, mules, sheep, goats, dogs and other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibition, and the expense of impounding and keeping the same, and of such sale.

Sixteenth. Provide for the erection of all needful pens and pounds, within or without the city limits, and to appoint and compensate keepers thereof, and to establish and enforce rules governing the same.

Seventeenth. Regulate the construction of and order the suppression and cleaning of fire places, chimneys, stoves, stove pipe owners, boilers, kettles, forges or any apparatus used in any building manufactory or business, which may be dangerous in causing or promoting fires, and to prescribe limits in which no dangerous or obnoxious and offensive business may be carried on.

Eighteenth. Prescribe and alter the limits within which no building shall be constructed except of brick, stone or other incombustible material, with fire proof roof, and after such limits are established no special permits shall be given for the erection of buildings of combustible material within said limits.

Nineteenth. Regulate levees, depots, depot grounds, and places for storing freights and goods, and to provide for and regulate the passage of railways through streets and public grounds of the city or village.

Twentieth. Regulate the crossings of railway tracks, and to provide precautions and prescribe rules regulating the same; and to regulate the running of railway engines, cars or trucks within the limits of said city or village, and prescribe rules relating thereto, and to govern the speed thereof, and to make any other and further provisions, rules, and restrictions to prevent accidents at crossings, and on the tracks or railways, and to prevent fires from engines.

Twenty-first. Establish standard weights and measures, and regulate the weights and measures to be used in the city or village and to regulate the weighing and measuring of every commodity sold in the city or village, in all cases not otherwise provided by law.

Twenty-second. Provide for the inspection of hay, grain and coal, the measuring of wood and fuel to be used in the city or village and to determine the place or places of the same and to regulate and prescribe the place or places of exposing for sale hay, coal and wood, to fix the fees and duties of persons authorized to perform the duties named in this subdivision.

Twenty-third. Remove all obstructions from the sidewalks, curb stones, gutters, and cross walks at the expense of the person placing them there, or of the city or village, and to require and regulate the planting and protection of shade trees in the streets, the building of bulk heads, cellar and basement ways, stairways, railways, window and doorways, awnings,

hitching posts and rails, lamp posts, awning posts, and all other structures projecting upon or over and adjoining, all other excavations through or under the sidewalks in said city or village.

Twenty-fourth. Prevent and restrain riots, routs, noises, disturbances, or disorderly assemblies to regulate, punish and prevent the discharge of fire arms, rockets, powder, fire works, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any building; to regulate, prevent and punish the carrying of concealed weapons; to arrest, regulate, punish, fine or set at work on the streets or elsewhere all vagrants and persons found without visible means of support or some legitimate business.

Twenty-fifth. Prevent and remove all encroachments upon and into all sidewalks, streets, avenues, alleys, or other city or village property, and to punish and prevent all horse racing, fast driving or riding in the streets, highways, alleys, bridges, or places in the city or village, and all games, practices or amusements therein likely to result in damage to any person or property; to regulate, prevent and punish the riding, driving and passing of horses, mules, oxen, cattle or other teams, or any vehicle, over, upon or across sidewalks or along any street of the city or village.

Twenty-sixth. Open, widen, or otherwise improve or vacate any street, avenue, alley or lane, in the limits of the city or village; and also to create, open and improve any new street, avenue, alley or lane: *Provided*, That all damages, sustained by the citizens of the city or village or of the owners of the property therein shall be ascertained in such manner as shall be provided by ordinance: *Provided further*, That whenever any street, avenue, alley or lane, shall be vacated, the same shall revert to the owner of the adjacent real estate one-half on each side thereof.

Twenty-seventh. Create, open, widen or extend any street, avenue, alley or lane, or annul, vacate, or discontinue the same whenever deemed expedient for the public good and to take private property for public use or for the purpose of giving right-of-way or other privileges to any railroad company or for the purpose of erecting or establishing market houses or market places, or for any other necessary public purpose; *Provided, however*, That in all cases the city or village shall make the person or persons whose property shall be taken or injured thereby adequate compensation therefor to be deter-

mined by the assessment of five disinterested holders who shall be elected and compensated as may be prescribed by ordinance, and who shall, in the discharge of their duties, act under oath faithfully and impartially to make the assessment to be submitted.

Twenty-eighth. Borrow money on the credit of the city and pledge the credit, revenue and public property of the city for the payment thereof, when authorized in the manner hereinafter provided; and to evidence the same by issuance of bonds, with proper interest coupons attached thereto.

Twenty-ninth. All ordinances shall be passed pursuant to such rules and regulations not inconsistent with the general laws relating thereto as the council or board of trustees may provide; and all such ordinances may be proved by the certificate of a clerk under the seal of the city or village, and when printed or published in book or pamphlet form by authority of the city or village, shall be read and received in evidence in all courts and places without further proof.

Thirtieth. The council or trustees shall cause to be published semi-annually, a statement of the receipts of the corporation and source thereof, and an itemized account of expenditures, with a statement of the financial condition of the city or village.

Thirty-first. Purchase, hold and pay for, in the manner herein provided, lands not exceeding eighty acres in one body outside of the corporate limits, for the purpose of the burial of the dead and all necessary grounds, hospital grounds and water works.

Thirty-second. Survey, plat, map, grade, fence, ornament and otherwise improve all burial and cemetery grounds and avenues leading thereto, owned by said city or village; to construct walks and protect ornamental trees therein and provide for paying the expenses thereof.

Thirty-third. Convey cemetery lots by certificates signed by the mayor or chairman and countersigned by the clerk, under the seal of the city or village, specifying that the person to whom the same is issued is the owner of the lot or lots described herein by number, as laid down on such map, or plat, for the purpose of interment, and such certificate shall vest in the proprietor, his or her heirs or assigns, a right in fee simple to such lots for the sole purpose of interment, under the regulations of the city council, or board of trustees, and such cer-

tificate shall be entitled to be recorded in the office of the county recorder of the proper county, without further acknowledgment, and such description of lots shall be deemed and recognized as a sufficient description thereof.

Thirty-fourth. Limit the number of cemetery lots which shall be owned by the same person at the same time; to prescribe rules for enclosing, adorning and directing monuments and tombstones on cemetery lots; to prohibit any diversion of the use of such lots, and any improper adornment thereof; but no religious test shall be made as to the ownership of the lots, the burial therein or the ornamentation of graves or of such lots.

Thirty-fifth. Pass rules and ordinances imposing penalties and fines not exceeding one hundred dollars, regulating, protecting and governing the cemetery, the owners of lots therein, visitors thereof and trespassers therein, and the officers of such city or village shall have as full jurisdiction and power in the enforcing of such rules as though they related to the corporation itself.

Thirty-sixth. Acquire, by purchase or otherwise, water works or plants, and illuminating plants, and to supply the municipalities and the inhabitants thereof with water and light and to charge private persons and corporations for water and light, or either, but all such charges for rates shall be reasonable and shall be uniform and equal to all alike and based upon the service supply, proportionately, without discrimination in favor of, or against any person or persons whomsoever.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed, and whereas an emergency exists therefore, this act shall be in force and effect from and after its passage.

Approved March 15, 1907.

HOUSE BILL NO. 177.

AN ACT

ADDING TO THE DUTIES OF THE COUNTY COMMISSIONERS AND REQUIRING THEIR PERSONAL VISITATION AND INSPECTION OF THE PUBLIC ROADS AND HIGHWAYS IN THEIR SEVERAL DISTRICTS; GIVING SAID COMMISSIONERS AUTHORITY AND CONTROL OVER DIS-

TRICT ROAD OVERSEERS AND PROVIDING FOR SPECIAL MEETINGS TO BE HELD FOR CONSIDERING ROAD QUESTIONS, AND PROVIDING PENALTIES FOR FAILURE TO PERFORM THEIR DUTIES REQUIRED IN THIS ACT AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of each of the county commissioners of this State personally to visit and inspect all roads and highways in the commissioner's district from which he was elected, on or before the first Monday in February of each year, if practicable, or as soon thereafter as conditions will permit, and also on the first Monday in September of each year; and shall give to the several road district overseers in the county specific instructions as to the work to be done therein and shall ascertain if road contractors in his district are complying or have complied with the contracts. Said commissioners shall require the said overseers to keep and maintain all the roads in their several districts in good repair and shall exercise full and complete authority over all roads and overseers of his district; they shall submit a report in detail at each quarterly meeting of the board of county commissioners of the work done and materials used in their several districts and an approximate estimate of the money needed for improvements upon the roads and highways therein for the ensuing quarter. Said commissioners shall meet in special session on the second Monday of May and September of each year for the consideration of questions pertaining to the public roads of their respective districts, and each member of said board of county commissioners shall submit a report showing the conditions of the public roads and highways in his district, and the work needed, with an estimate of the cost to be incurred; and the board of county commissioners shall at said special meetings make provision for the necessary improvements on the public roads and highways of the county and may also act upon any matters affecting the public roads and highways in their counties.

SEC. 2. Any county commissioner who shall wilfully or negligently fail to perform any of the duties or requirements herein contained shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), to be recovered upon his official bond by action brought by the prosecuting attorney of the county wherein said commissioner resides.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 4. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 15, 1907.

HOUSE BILL NO. 207. SUBSTITUTE FOR HOUSE BILL 200.

AN ACT

PROVIDING FOR THE ISSUE AND SALE OF DEBENTURE WARRANTS FOR THE PURPOSE OF MAKING THE STATE CAPITOL APPROPRIATION OF MARCH 3, 1905, MORE FULLY AVAILABLE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. For the purpose of making the appropriation for erection of a State capitol, made in the act entitled, "An act for the purpose of authorizing the modification, enlargement and improvement of the present capitol building at the city of Boise, State of Idaho, or for procuring a new site at said city of Boise and erecting thereon a new capitol building and making appropriation therefor," approved March 3, 1905, more fully available for the purpose intended, it is thereby provided as follows: Whenever, by virtue of any sale of land belonging to the public buildings land grant, donated by the general government to the State of Idaho, there is a money payment accruing to the State at some future date, the issue and sale of a State warrant based on such obligation is hereby authorized, both in the case of such obligation now existing and those which may be hereafter contracted.

SEC. 2. Such warrants shall be designated as "Debenture Warrants of the State of Idaho," and shall be issued by authority of the State Board of Land Commissioners. Upon the chairman and secretary of said board certifying to the State Auditor a list of such obligations for the purpose of this act, the Auditor shall draw a warrant for each of such obligations. Each such warrant shall be made due and payable at the same date as the obligation becomes due upon which it is based. It shall be for the same amount as the face of such obligation, and shall bear the same rate of interest; it shall also specify the transaction upon which such obligation arises, the

name of the payor of such obligation, and that such obligation is payable to the public buildings endowment fund. The Auditor shall make and keep a register of such warrants, showing the number and amount of each warrant and date when due, and they shall then be delivered to the State Treasurer, who shall be charged on the official books of the Auditor's office with the amount of such warrants.

SEC. 3. At the time of the issuance of such warrants the State Treasurer shall sign them with his own proper name and affix his official title and such signing shall bind the fund upon which they are issued, for the payment of such warrants. The Treasurer shall keep a register of all such warrants issued by him, showing the date of issuance, amount, and date when due. He shall have charge of the negotiation and sale of such warrants and shall deliver them to the purchaser or purchasers upon receipt of the purchase money therefor, and the money received from the sale of such warrants must be placed to the credit of the said public buildings endowment fund: *Provided*, That none of the warrants shall be sold for less than their face value. The expense of printing such warrants shall be paid out of the proceeds of the sale thereof. Payment of the principal and interest of such warrants when due shall be made by the Treasurer out of said fund.

SEC. 4. The security of the debenture warrants of the State of Idaho shall be in the assets of the public buildings endowment fund, and not otherwise, and such warrants shall not be construed as constituting any part of the indebtedness of said State.

SEC. 5. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved March 15, 1907.

SENATE BILL, NO. 108.

AN ACT

TO AMEND SECTIONS EIGHT (8) AND NINE (9) OF AN ACT ENTITLED "AN ACT TO AMEND SECTIONS TWO (2), ELEVEN (11), TWENTY-TWO (22) AND TWENTY-SIX (26) OF AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF IRRIGATION DISTRICTS, AND TO PROVIDE FOR THE ACQUISITION

OF WATER AND OTHER PROPERTY, AND FOR THE DISTRIBUTION OF WATER THEREBY FOR IRRIGATION PURPOSES, AND FOR OTHER SIMILAR PURPOSES," APPROVED MARCH 6, 1899; AND TO AMEND SECTION NINE (9) OF CHAPTER ONE (1) AND SECTION SIXTEEN (16) OF CHAPTER TWO (2) OF AN ACT ENTITLED 'AN ACT TO PROVIDE FOR STATE ENGINEER, DEFINING HIS DUTIES; AND REGULATING HIS COMPENSATION, AND TO PROVIDE FOR THE ACCEPTANCE BY THE STATE OF IDAHO FROM THE UNITED STATES OF CERTAIN LANDS; AND TO PROVIDE FOR THE RECLAMATION, OCCUPATION AND DISPOSAL OF THE SAME," APPROVED MARCH 2, 1899, AND TO PROVIDE FOR THE ACQUISITION OF RIGHT-OF-WAY FOR THE CONSTRUCTION OF CANALS OR RESERVOIRS OR OTHER IRRIGATION WORKS OVER OR UPON THE LANDS OF THE STATE OF IDAHO," APPROVED MARCH 18, 1901.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section eight (8) of the above entitled act be amended to read as follows:

Section 8. Any person or persons desiring to construct over or upon any of the lands owned or controlled by the State of Idaho, any ditch, canal, reservoir or other works for carrying or distributing public waters for any beneficiary use may make application to the State Board of Land Commissioners for said right of way, and shall at the same time file, in duplicate, both in the office in the State Board of Land Commissioners and in the office of the State Engineer, maps showing the location of such lands by accurate survey of such ditch, canal, reservoir or other irrigation works. Such maps shall be drawn on tracing linen on a scale of not less than one thousand feet to the inch, and shall be accompanied by the field notes of survey of such irrigation works.

In the case of a reservoir the maps shall show by contour lines at intervals not greater than ten feet, the topographic features of such reservoir site, and shall state the capacity of such reservoir in acre feet; and when the dam or embankment of such reservoir shall be more than ten feet in height, plans showing the construction of such dam or embankment shall be filed in duplicate in the office of the State Board of Land Commissioners and in the office of the State Engineer. All such maps, plans and field notes shall be certified by the engineer under whose direction such surveys or plans were made.

*Civil Code
§ 2622*

If such map or description is defective or incomplete, the State Board of Land Commissioners may order the same to be corrected; and the State Board of Land Commissioners may grant land for such right of way upon the payment of such compensation therefor as may be deemed reasonable, not less than ten dollars (\$10.00) per acre, and upon such terms and conditions as they may deem best: *Provided*, That the works for which the right of way is herein provided must be completed within the time mentioned in the application for the same (which shall accompany such map), which shall in no case be more than five years from the time of filing such application and map; and the construction of the works herein mentioned must be commenced within one year after such application and map are filed, and be prosecuted to completion diligently and uninterruptedly on a scale reasonably commensurate with the magnitude of the proposed works, in order to obtain the right of way under this section.

It shall be the duty of the register of the State Board of Land Commissioners upon the granting of the said rights of way to note the same upon the plats of the said lands on file in his office.

SEC. 2. That section nine (9) of the above entitled act be amended to read as follows:

Amended
§ 2673. Section 9. When it shall appear upon an investigation by the State Board of Land Commissioners that certain lands belonging to the State are more valuable for reservoir purposes than for any other purpose, the said board may withhold such lands from sale and such lands shall be reserved by the State for storage purposes as a means of reclaiming other State lands in the vicinity. If, upon investigation, it is ascertained that certain State lands are more valuable for reservoir purposes than for any other purpose, and can be used as a means of reclaiming other lands in that vicinity, the said board may withhold the same from sale until such time as it is advisable to sell the same, and may sell such lands as a whole for the purpose of a reservoir site and upon such terms and conditions as they may deem advisable, but no such lands shall be sold for less than ten dollars (\$10.00) per acre; *Provided*, That if the lands so sold for reservoir purposes are not used for the purpose of said reservoir, or if the works in connection with which said reservoir is to be used are not constructed within five years from the granting or sale of the said lands,

or such further time as the State Land Board shall grant, the rights granted shall revert to the State.

Approved March 15, 1907.

SENATE BILL NO. 34.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT GOVERNING THE STORAGE OF GRAIN, FLOUR, WOOL, OR OTHER PRODUCE, WHEN RECEIVED FOR STORING, SHIPPING, GRINDING OR MANUFACTURING," APPROVED FEBRUARY 2, 1899, BY ADDING THERETO SECTIONS 8 TO 20 INCLUSIVE.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That an act entitled "An act governing the storage of grain, flour, wool, or other produce, when received for storing, shipping, grinding or manufacturing," approved February 2, 1899, be and is hereby amended by adding thereto sections 8 to 20, inclusive.

Section 8. There is hereby created a commission to be styled the "State Grain Commission" to consist of three (3) qualified electors of the State of Idaho, the decision of a majority of whom shall be considered to be the decision of the commission on all questions arising for their consideration, and the said members of the said commission shall hold their office for the period of two years and until their successors are appointed and qualified, and who shall be appointed by the Governor.

Section 9. Within thirty (30) days after this act shall take effect, the Governor shall appoint three qualified electors of the State of Idaho, who shall constitute such commission and who shall hold their office for two years unless sooner removed by the Governor. All of said commissioners shall take an oath of office the same as required by other State officers, and each of them shall be competent and experienced grain men and shall be selected from different sections of the State.

Section 10. The board shall select one of its members as chairman of said commission, and before the 20th day of September of each year said commission shall be called together by the chairman at some place within the State and then and

there establish standard grades of all grain bought or handled by any public warehouse within this State, which shall be known as "Idaho grade."

The said commission shall also establish the necessary rules and regulations for grading and weighing grain, and shall fix the charges for inspecting and grading grain, and shall make such other rules and regulations as may be necessary for enforcing the regulations of this act or any law of this State in regard to the same.

Section 11. The said standard grades, charges, rules and regulations so made and established shall be published in some newspaper printed and published in every county in the State of Idaho for a period of two weeks beginning immediately after they are made or established, and it shall be the duty of every warehouseman within this State to apply to and receive of the chairman a placard copy of the said standard grades, charges, rules and regulations which he shall keep posted in a conspicuous place in his office and which the chairman shall furnish free of cost.

Said commission may modify such grades, rules, and regulations or establish new ones and such changes shall be advertised the same as required for the original.

Section 12. It shall be the duty of the commission to furnish any elevator or warehouse in this State or adjoining States, standard samples of grain as established by the State Grain Commission when requested to do so by the proprietor, lessee, or manager thereof, at the actual cost of such sample.

It shall be the duty of the commission to advertise the cost to the warehousemen of the said standard samples of grain at the time the said standard grades, charges, rules and regulations are advertised as herein provided.

Section 13. For the purpose of maintaining the grades of wheat in this State it shall be the duty of the chairman to procure from every part of the State of Idaho, each season, as soon as it can be done after harvest, samples of the crop of grains and after collecting such samples of grain he shall call a meeting of the State Grain Commission and they shall make up and establish from said samples the said grade which shall be a fair average mixture of all the varieties of grain in the different sections of the State. If the said State Grain Commission deems it expedient they may in making up and estab-

lishing the said grade meet and confer with like grain authorities in the States of Oregon and Washington, or, in case there are no such authorities in the States of Oregon and Washington, then with the representatives of the leading handlers of grain in the city of Portland, Oregon and Tacoma, Washington, and make up and establish the same fair average quality which shall be maintained in this State. This section shall not be so construed as to interfere with the standard grades of grain elsewhere provided for in this act.

Section 14. The members of the said grain commission shall receive five (\$5.00) dollars for each day in going to, attending upon and returning from any meeting of said commission, but not more than four meetings shall be held in any one year.

Section 15. All moneys collected by the grain commission from any source shall be paid into the State Treasury on or before the 15th day of the month succeeding said collection, accompanied with a statement showing from what source collected and the amount of such collection. It shall be the duty of the State Treasurer to receive all moneys aforesaid and to credit the same to the Grain Inspection Fund and said fund is hereby appropriated for the purpose of carrying out the provisions of this act.

Section 16. All expenditures and salaries, not otherwise provided for in this act, shall be audited and paid out of the current expense fund of the State the same as the account of any other State official.

Section 17. It shall be the duty of every person keeping, controlling, managing or operating as owner or agent or superintendent of any company or corporation or any warehouse, commission house, forwarding house, mill, wharf, or any place where any grain, flour, wool, or other product is stored in delivering the owner of such grain a warehouse receipt therefor showing the grade thereof, and which said receipt shall be conclusive evidence of what it contains as against said warehouse and no further expense or charge shall be made than is provided for in said receipt and to make the grade so shown by said warehouse receipt to conform to the grades established by the State Grain Commission.

Section 18. The receipt required in the last preceding section of this act shall be in form as follows:

(Name of firm or company.)

No.....

(Place and Date.)

Received in store from (name of consignor), (quantity), gross.....lbs., tare.....lbs., net.....lbs., No..... (give here grade and name of commodity), at owner's risk of unavoidable damage, to be delivered at this warehouse, upon return of this receipt, properly indorsed, and payment of charges. This receipt negotiable when duly indorsed by consignor. Storage to (here give amount and date).

Signed (name of firm or company.)

(Name of agent), Agent.

Section 19. All acts and parts of acts inconsistent with this act are hereby repealed, provided that nothing contained in this act shall be construed to repeal by implication or otherwise any of the provisions of the said act of February 2, 1899, to which reference is hereby made as amending and the said provisions of said act are expressly made applicable to this act.

Section 20. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved March 15, 1907.

Cancellation of Permit. Same 1909 p 300

SENATE BILL NO. 99.

AN ACT

TO AMEND SECTIONS 3 AND 23 OF AN ACT ENTITLED: "AN ACT TO REGULATE THE APPROPRIATION AND DIVERSION OF THE PUBLIC WATERS AND TO ESTABLISH RIGHTS TO THE USE OF SUCH WATERS AND THE PRIORITY OF SUCH RIGHTS," APPROVED MARCH 11, 1903.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 3 of an act entitled, "An act to regulate the appropriation and diversion of the public waters and to establish rights to the use of such waters and the priority of such rights," approved March 11, 1903, be amended to read as follows:

Section 3. If the holder of a permit, at the expiration of one-half the time set for the completion of such works, shall not

*5044
1903 p 22*

have completed at least one-fifth the work of construction as contemplated in the application for such permit to construct such works, any person or persons holding any permit for the diversion of waters from the same stream (such permit post-dating the permit for the diversion of water through such unfinished works as aforesaid) may, on or after such date set for the doing of one-fifth of such work of construction, enter contest against such prior permit and petition the State Engineer to cancel the same. Such contestant shall file with the State Engineer a petition in duplicate clearly setting forth the facts in relation to the condition of the unfinished work under the permit which is sought to be canceled. Each copy of the petition shall be certified to by a well known and competent engineer. Thereupon the State Engineer shall file one copy of said petition in his office and immediately forward the other copy by registered mail to the holder of the permit which is sought to be canceled by the petitioners, or, if said permit be held in the names of two or more persons as shown by the records of the office of the State Engineer, then such copy of such petition shall be forwarded by registered mail to the person whose name first appears upon the records of the State Engineer's office as one of the holders of the contested permit.

The person to whom such copy of such petition is sent must, within sixty days from the date upon which such copy of such petition is mailed from the office of the State Engineer, file with said State Engineer an affidavit to the effect that one-fifth of the work of construction had been done under the contested permit at the time when the contestant filed his petition with the State Engineer. Such affidavit must be supported by the certificate of a well known and competent engineer to the effect, that in his opinion, the statements made in such affidavit are true and correct.

If such affidavit and certificate be not filed in the office of the State Engineer as hereinbefore required, the State Engineer shall forthwith proceed to cancel such contested permit and shall cause his order of cancellation to be spread upon the record copy of such permit as shown by the records of his office: *Provided*, That if the State Engineer be satisfied that the contestee has not received the copy of contestant's petition, as hereinbefore required to be sent by registered mail, then an examination of the works under the contested permit shall be made by the State Engineer, or by some one duly authorized by him to act in his stead, as hereinafter provided.

Upon receipt of affidavit of the contestee and certificate in support of same made by a well known and competent engineer as hereinbefore required, the State Engineer, at the expense of the contestant, shall make or cause to be made an examination of the works under such contested permit, and if after such examination, the State Engineer is satisfied that the allegation made in the contestant's petition are true and correct, he shall forthwith proceed to cancel such contested permit and shall cause his order of cancellation to be spread upon the record copy of such permit as shown by the records of his office, but, if he be satisfied, after such examination, that the statements made in the contestee's affidavit are true and correct, then he shall deny the contestant's petition. Any construction work done by the contestee after the filing of contestant's petition with the State Engineer shall be disregarded by that official in rendering his decision, and if he deem it necessary, he may require the contestee to make affidavit setting forth the amount of money expended, the number of men employed and the amount of work done under the contested permit subsequent to the filing of the contestant's petition.

Upon rendering his decision the State Engineer shall, by registered mail, notify the party against whom such decision may be. Either of the parties feeling themselves aggrieved by the action of the State Engineer may appeal therefrom to the district court of the county in which the point of diversion of the works in question is situated. Such appeal shall be within sixty days from the receipt of the notice of such action of the State Engineer, and if the petitioner to such State Engineer shall file the appeal, the holder of the permit in question shall be the defendant, and if the holder of such permit which has been cancelled shall be the appellant, the party who petitioned for such cancellation shall become the defendant in such appeal, and such appeal shall be perfected when the appellant shall have filed in the office of the clerk of such district court, a copy of such petition to the State Engineer and a copy of the decision of such Engineer, certified to by such engineer as true copies, together with the petition to such court, setting forth the appellant's reason for appeal.

SEC. 2. That section 23 of said act, be and is hereby amended to read as follows: The board of irrigation shall divide the State into water districts, said water districts to be so

constituted as to secure the best protection to the claimants for water, and the most economical supervision on the part of the State, the water districts which shall be first created are those which will embrace the streams whose waters have already been allotted by the district court, the distribution of which shall, by the provisions of this act, be under the control of the water commissioners of the divisions in which such stream or streams are situated. Other districts shall be created from time to time as the appropriations and priorities thereof from the streams of this State shall be confirmed or adjudicated: *Provided*, That when any company or association owning irrigation works whose water supply is not distributed under a sale or rental thereof, shall petition the water commissioner to appoint a water master to take charge of the distribution of the water from such works, such water master shall be appointed and he shall deliver to each user the quantity of water to which he may be entitled; and such water master so appointed shall be paid for such services in the manner provided in sections 28 and 29 of this act: *Provided*, In the case of a stream whose waters have been allotted when the distance between the extreme points of diversion of such stream is not more than thirty miles, the users of water from such stream may elect a water master to distribute the water of such stream and fix his compensation therefor in the manner provided in section 24 of this act for the election of water masters.

SEC. 3. Whereas an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1907.

HOUSE BILL NO. 141.

AN ACT

REGULATING THE STRINGING OF WIRES, ELECTRIC OR OTHER, OVER RAILROAD TRACKS, AND RELATIVE TO THE MAINTENANCE OF SUCH WIRES HERETOFORE SO STRUNG, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That it shall hereafter be unlawful for any corporation or person to string any wire, electric or other, over

the tracks of any railroad company, except at such places and in such manner as shall be authorized and approved by the board of county commissioners of the county wherein such crossing with such wire is proposed, and any corporation or person desiring to so string any wire shall give such railroad company notice in writing of the place and manner in which it desires to string the same, and the place where, and the time when, it will apply to said board of county commissioners for approval and authority as above required, which notice shall be served at least ten days before the time of hearing of such application.

SEC. 2. The board of county commissioners of the several counties in the State of Idaho shall, as soon as possible after the passage of this act, either by personal examination or otherwise, obtain information as to all places where the tracks of railroad are crossed by wires strung over said tracks, and whenever in its judgment such wires should be raised to a greater height, or other thing done with reference thereto to guard against accidents, shall order such change or changes to be made, and shall apportion any expense incident thereto between the companies or persons affected, as may be deemed just and reasonable; *Provided*, That in no case shall the height of any wire strung or to be strung across or over such or any railroad tracks be less than twenty-five feet, excepting trolley wires, which shall not be less than twenty feet from the top of the rail of said railroad tracks.

SEC. 3. It shall be the duty of every corporation and persons to whom an order made by the board of county commissioners of the respective counties in said State under this act shall be directed, to comply with such order in accordance with its terms, and for any neglect to so comply therewith any such corporation or person shall be liable to a penalty of \$100.00, and to a like penalty for every ten days during which said neglect shall continue. Any such penalty may be recovered by an appropriate action instituted by the county where such violation or disobedience has been committed, and said penalty shall be recovered by said county, and it shall be the duty of the prosecuting attorney of the district in which said county is located to bring and prosecute any such action in the name of the county at the request of the said board of county commissioners.

Approved March 15, 1907.

SENATE BILL NO. 142.

AN ACT

TO MAKE THE SHERIFFS OF THE SEVERAL COUNTIES THE AGENTS OF THE BOARD OF PARDONS WITH RESPECT TO PAROLED PRISONERS WITHIN THEIR RESPECTIVE COUNTIES.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. Whenever any person sentenced to serve a term in the Idaho State penitentiary shall have been granted a parole by the said Board of Pardons, it shall be the duty of the warden of said penitentiary to transmit to the sheriff of the county within which the said prisoner shall be paroled, a copy of the parole agreement, and information as to the place of residence of the said prisoner within the said county.

SEC. 2. Thereupon it shall be the duty of the said sheriff to receive from all persons so paroled within his county, a written report on the first day of each month during the continuance of the parole agreement, which report must contain an itemized account of the paroled person's earnings, what was expended of the same and how expended. It shall be the duty of the sheriff to ascertain the correctness of the said report and to see that the said paroled person is honorably employed and conducting himself in an honorable manner. After ascertaining the correctness of the report, it shall be the duty of the said sheriff to forward the said report to the warden of the said penitentiary, and shall report to the said warden at the same time any information the said sheriff may have regarding the correctness of the report or any information as to the conduct of the paroled person. It shall further be the duty of the sheriff, whenever he receives information that a parole agreement is being violated or has been violated by any person paroled within his county, immediately to report the fact to the warden of the said penitentiary.

Approved March 16, 1907.

SENATE BILL NO. 147.

AN ACT

TO AMEND SECTION 4140 OF THE REVISED STATUTES OF THE STATE OF IDAHO, OF 1887.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 4140 be amended to read as follows:

Section 4140. The summons must be directed to the defendant, signed by the clerk and issued under the seal of court, and must contain:

1st. The name of the parties to the action, the court in which it is brought, and the county in which the complaint is filed.

2d. If the summons is for service, a statement that complaint has been filed against the defendant, a copy of which is attached to such summons, but when the summons is an alias for publication, a statement of the nature of the action in general terms.

3d. The direction that the defendant appear and answer the complaint within twenty days if the summons is served within the district within which the action is brought, and within forty days if served elsewhere.

4th. In an action rising on contract for the recovery of money or damages only a notice that unless the defendant so appears and answers the plaintiffs will take judgment for the sum demanded in the complaint.

5th. In other actions, a notice that unless defendant so appears and answers the plaintiff will appeal to the court for the relief demanded in the complaint. The name of the plaintiff's attorney, with his post office address or residence must be indorsed on the summons.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1907.

HOUSE BILL NO. 198.

AN ACT

TO AMEND SECTION 7 OF AN ACT ENTITLED "AN ACT FOR THE PURPOSE OF AUTHORIZING THE MODIFICATION, ENLARGEMENT AND IMPROVEMENT OF THE PRESENT

CAPITOL BUILDING AT THE CITY OF BOISE, STATE OF IDAHO, OR FOR PROCURING A NEW SITE AT SAID CITY OF BOISE, AND ERECTING THEREON A NEW CAPITOL BUILDING AND MAKING AN APPROPRIATION THEREFOR," APPROVED MARCH 3, 1905, AND THEREBY AUTHORIZING THE CAPITOL BUILDING BOARD TO HYPOTHECATE, PLEDGE, ASSIGN OR OTHERWISE DISPOSE OF OBLIGATIONS HELD BY THE STATE IN FAVOR OF THE PUBLIC BUILDING ENDOWMENT FUND.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 7 of an act entitled "An act for the purpose of authorizing the modification, enlargement and improvement of the present capitol building at the city of Boise, State of Idaho, or for procuring a new site at said city of Boise, and erecting thereon a new capitol building and making an appropriation therefor," approved March 3, 1905, be and the same is hereby amended to read as follows:

Section 7. That to carry out the objects of this act, all funds now in or belonging to the public building endowment fund, amounting to about the sum of \$66,003.35, is hereby appropriated and ordered to be paid as needed; also there is hereby appropriated and ordered expended the further sum of \$283,996.65, from the proceeds of the sale of the lands donated by the general government by section 6 of the admission act, approved July 3, 1890, "for the purpose of erecting public buildings at the capital of the said State for legislative, executive and judicial purposes." In order that said appropriation may be rendered more fully available for the purpose intended, said capitol building board and their successors in office are hereby authorized and empowered, in the name of the State of Idaho, to hypothecate, pledge, assign or otherwise dispose of any and all notes, contracts or other obligations requiring the payment of money for the unpaid portion of the price of any of said lands, which notes, contracts or obligations are now held on behalf of the public building endowment fund in any state department, or which may be hereafter so held by any state department on account of the purchase of any of said lands. *Provided*, That no such notes, contracts or obligations shall be disposed of for less than their face value.

In case of a default in the payment of any of the aforesaid obligations or interest thereon, the assignee of any such obligation under the provisions of this section shall have the same rights as the State would have had, and in case of a declaration

of forfeiture in relation to any of said lands on account of failure of the purchaser thereof to meet any such obligation, the State shall make a deed to the assignee, on the same terms and in the same manner as provided by law in the case of a purchaser of said lands who has made full payment of the purchase price thereof.

Said board, through co-operation with the State Board of Land Commissioners, in accordance with the laws and rules provided for other State lands, shall sell and dispose of so much of said lands as may be necessary to carry out the objects of this act, as and when they may deem best, and when they can procure full value for said lands.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved March 16, 1907.

HOUSE BILL NO. 73.

AN ACT

TO AMEND SECTION 2576, 2594 AND 2637, CHAPTER I, TITLE IV, OF THE CIVIL CODE OF THE REVISED STATUTES OF IDAHO OF 1887, CONCERNING CORPORATIONS.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2576, of Chapter I, Title IV, of the Civil Code of the Revised Statutes of Idaho of 1887, be, and the same is, hereby amended to read as follows:

Section 2576. Private corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this title, *Provided* One of such persons must be a bona fide resident of this State.

SEC. 2. That Section 2594 of Chapter I, Title IV, of the Civil Code of the Revised Statutes of Idaho of 1887, be, and the same is, hereby amended to read as follows:

Section 2594. All elections of directors must be by ballot, and the vote of the stockholders representing a majority of the subscribed capital stock, or of a majority of the members, if there be no capital stock, is necessary to a choice.

If there be capital stock in the corporation, each stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by for as many persons

as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors shall not be elected in any other manner.

SEC. 3. That Section 2637, of Chapter I, Title IV, of the Civil Code of the Revised Statutes of Idaho of 1887, be, and the same is, hereby amended to read as follows:

Section 2637. Every corporation may increase or diminish its capital stock as in this section provided:

First. By a majority vote of the directors there may be called a meeting of the stockholders, to be convened for the purpose of increasing or diminishing the capital stock;

Second. Personal notice of the time and place of such meeting, and the object thereof, must be served on each stockholder at least thirty days prior to the date of such proposed meeting, or, in lieu thereof, the notice must be published at least once a week in a newspaper published in the county where the principal business is located, for at least thirty days;

Third. The notice must also contain the amount to which it is proposed to increase or diminish the capital stock;

Fourth. The capital stock must in no case be diminished to an amount less than the indebtedness of the corporation or the estimated cost of the works it may be the object or purpose of the corporation to construct.

Fifth. At least two-thirds of the entire capital stock must vote in favor of such increase or diminution before the same is effected;

Sixth. A certificate signed and verified by the chairman and secretary of the meeting, must be made, showing a strict compliance with all the requirements of this section, the amount to which the capital stock has been increased or diminished, the amount of stock represented at the meeting, the vote by which the object was accomplished;

Seventh. This certificate must be subscribed by a majority of the directors, and duplicates made, one to be filed in the office of the county recorder and one in the office of the Secretary of State, as provided for original article of incorporation, and thereupon the capital stock is so increased or diminished.

Approved March 16, 1907.

HOUSE BILL NO. 170. (SUBSTITUTE FOR HOUSE BILL NO. 87.)

AN ACT

TO AMEND SECTIONS 2 AND 5 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT, DUTIES AND COMPENSATION OF STENOGRAPHIC REPORTERS OF THE DISTRICT COURTS," PASSED AT THE FIRST SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 14, 1891, AS AMENDED BY THE ACT OF THE THIRD SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 8, 1895; AND TO PROVIDE FOR THE APPOINTMENT OF SUBSTITUTE OR DEPUTY COURT REPORTERS IN THE ABSENCE OF THE REGULAR REPORTERS, OR WHEN FROM ANY CAUSE THE ASSISTANCE OF SUCH DEPUTY OR SUBSTITUTE REPORTERS IS NEEDED, AND PRESCRIBING THE DUTIES AND FIXING THE COMPENSATION OF SUCH DEPUTY OR SUBSTITUTE REPORTERS, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2 of an act entitled "An act to provide for the appointment, duties and compensation of stenographic reporters of the district courts," passed at the first session of the legislature of the State of Idaho, approved March 14, 1891, as amended by the act of the third session of the Legislature of the State of Idaho, approved March 8, 1895, is hereby amended to read as follows:

Section 2. Said reporter shall take the oath required to be taken by judicial officers; give a bond to be approved by the judge of the district court, in the sum of five thousand dollars, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State, hold his office during the pleasure of said judge, and shall receive a salary of two thousand five hundred dollars per annum to be paid in the same manner as the salaries of other State officers are paid. There shall be paid in addition to said salary, to each of the court reporters of the district courts, out of the State treasury, for each term of a district court held by the judge thereof, for the trial and disposition of causes and the transaction of business under the laws of the State, in other counties than that in which said court reporter resides, his actual and necessary expenses for traveling and attending each term.

SEC. 2. That section 5 of said act is hereby amended to read as follows:

Section 5. It shall be the duty of each reporter to furnish, on the application of the attorney general, prosecuting attorney, or any party to a suit in which a stenographic record has been made, a typewritten copy of the record, or any part thereof, for which he shall charge in addition to his salary, a fee of seven and one-half cents per hundred words, to be paid by the party requesting the same, and to be taxed as costs in the case against the party finally defeated in the action: *Provided*, When such copy is requested on behalf of the State, or its attorney, or by a defendant in a criminal case or his attorney, and when after conviction the defendant in a criminal case shall satisfy the court by affidavit or otherwise, that he is unable by reason of his poverty to pay for such copy, so requested by himself or his attorney, the court reporter shall furnish such copy free of charge. Such copy shall constitute prima facie the minutes of the court, and may be used on all motions for new trials, review or appeal, when the minutes of the court may be used.

SEC. 3. When owing to the absence, sickness or other disability of the regular reporter, or when the business of the court demands it, the court may appoint a substitute or deputy court reporter to act in the place of the regular reporter during such absence, sickness or other disability of the regular reporter, such substitute or deputy reporter to perform the same duties prescribed by law for the regular reporter, give such bond as is required by the court, take the same oath, and shall receive such compensation as may be allowed by the court and when employed owing to the absence of such regular reporter, to be paid out of the salary of such regular reporter: but when such absence is on account of sickness then such compensation shall be paid out of the State treasury as the regular reporter's salary is paid; *Provided*, That such compensation shall only be paid for the time such deputy reporter is actually engaged in such work; and, *Provided, further*, That in all criminal cases where, in the opinion of the court, the notes of the court reporter should be extended for use upon the trial of the cause, or in civil cases where in the opinion of the court the services of a deputy reporter are required, the court may appoint an additional or substitute court reporter to aid the regular court reporter in reporting such cause, and who shall be paid a sum to be fixed by the

court, to be paid as is the salary of the regular court reporter.

SEC. 4. All fees earned by any court reporter or his deputy under the provisions of this act shall be paid to the State Treasurer to be placed to the credit of the general fund of the State. Said reporter shall make a quarterly report to the State Auditor of all fees earned by himself and deputies, and said report shall be accompanied by a remittance of such fees.

SEC. 5. Whereas, an emergency exists therefor, this shall take effect and be in force from and after its passage and approval.

Approved March 16, 1907.

SENATE BILL NO. 143.

AN ACT

RELATING TO PRISONERS PAROLED FROM THE IDAHO STATE PENITENTIARY AMENDING SECTION 13 OF AN ACT ENTITLED "AN ACT TO PRESCRIBE SESSIONS OF THE BOARD OF PARDONS AND THE MANNER IN WHICH APPLICATIONS FOR PARDON SHALL BE MADE AND TO REGULATE THE PROCEEDINGS THEREON, AND FOR THE RELEASE OF CERTAIN PRISONERS ON PAROLE," APPROVED FEBRUARY 2, 1899.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 13 of the above entitled act be amended to read as follows:

Section 13. That such convict while on parole shall remain in the legal custody and under control of the Board of Pardons but only for the purpose of seeing that the said convict keeps to the terms of the parole agreement, and shall not be considered as serving his term in the penitentiary during the time that he shall be out on parole in case that the said parole agreement shall be broken by the said convict. The said convict shall be subject at any time to be taken back within the inclosure of the said penitentiary for any violation of his parole agreement, and full power to retake and reimprison any convict so upon parole is hereby conferred upon said board, whose written order certified by the warden shall be a sufficient warrant for all prisoners named in it to authorize any sheriff,

constable, policeman or other officer, to arrest and return to actual imprisonment any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute such orders the same as ordinary criminal process.

Approved March 16, 1907.

SENATE BILL NO. 93. SUBSTITUTE FOR SENATE SUBSTITUTE BILL NO. 13.

AN ACT

TO AMEND SECTION 1 OF AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION AND REGULATION OF TRUST COMPANIES, GUARANTEE TITLE, ABSTRACT AND SAFETY DEPOSIT COMPANIES, ADDING CHAPTER XII TO TITLE IV OF THE CIVIL CODE OF IDAHO; AND AMENDING AN ACT ENTITLED, 'AN ACT TO REGULATE THE COMPILING OF ABSTRACTS OF TITLE IN THE STATE OF IDAHO, AND TO PROVIDE FOR THE INTRODUCTION OF THE SAME IN CIVIL ACTIONS,' APPROVED FEBRUARY 18, 1899," APPROVED MARCH 16, 1901; PROVIDING THAT THE PRESIDENT OR SECRETARY OF ANY COMPANY INCORPORATED UNDER THIS ACT, OR THE ACT OF WHICH THIS IS AN AMENDMENT, MAY TAKE ANY OATH REQUIRED BY LAW IN ORDER TO QUALIFY SUCH COMPANY TO EXERCISE THE RIGHTS AND POWERS AUTHORIZED, AND INCREASING THE POWERS AND PRIVILEGES OF SUCH COMPANIES WITH REFERENCE TO INVESTMENTS AND DEPOSITS, AND PROVIDING HOW COMPANIES ORGANIZED UNDER THE ACT OF WHICH THIS IS AN AMENDMENT MAY SECURE THE BENEFITS OF THIS ACT.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 of an act of the legislature of the State of Idaho, entitled, "An act to provide for the incorporation and regulation of trust companies, guarantee title, abstract and safety deposit companies, adding Chapter XII to Title IV of the Civil Code of Idaho; and amending an act entitled, 'An act to regulate the compiling of abstracts of title in the State of Idaho, and to provide for the introduction of the same in civil actions,' approved February 18, 1899," be and the same is hereby amended to read as follows:

Section 1. Companies incorporated under the provisions of this act, or the act of which this is an amendment, shall have the power and right:

First. To furnish abstracts of title to real estate; to guarantee the title, and to make insurance of every kind pertaining to or connected with titles to real estate and to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor;

Second. To receive and hold on deposit and in trust and as security, estate, real and personal, including the notes, bonds, obligations of estates, individuals, companies and corporations, and the same to purchase, collect, adjust and settle, sell and dispose of in any manner with or without proceedings in law or equity, and for such price, and on such terms as may be agreed on between them and the parties contracting with them.

Third. To act as trustee, assignee, receiver, guardian, executor, administrator, and to take, accept and execute trusts of every description not inconsistent with the laws of this State or of the United States, and the president or secretary of any such company may take the oath necessary to qualify it to act in such capacity, and such company shall be bound thereby; and to receive deposits of money and other personal property and issue their obligations therefor, to invest their funds in and to purchase real and personal securities, and to loan money on real and personal security.

Fourth. To act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity to receive and distribute money, transfer, register and countersign certificates of stocks, bonds, or other evidences of indebtedness, and to receive and manage any sinking fund thereof on such terms as may be agreed upon.

Fifth. To take, receive and hold any and all such pieces of real property as may have been or may hereafter be the subject of any insurance made by such companies under the powers conferred by their charter, and the same to grant, bargain, sell, convey and dispose of in any such manner as they see proper.

Sixth. To purchase and sell real estate and take charge of the same.

Seventh. To become security for the payment of all damages that may be assessed and directed to be paid for lands taken in the building of any railway, or for the purposes of

any railway, or for the opening of streets or roads or for any purpose whatsoever where land or property is authorized by law to be taken.

Eighth. To become security upon any writ of error or appeal, or in any proceeding instituted in any court in this State, in which security may be required.

SEC. 2. That any company heretofore incorporated under the act of which this is an amendment, may exercise any or such portion of the additional powers or privileges granted by this act, as it may desire, by filing with the recorder of the county of its principal place of business, a resolution of its shareholders, certified by its secretary, passed at any regular or special meeting thereof, adopting the provisions of this act or such portion thereof as it may desire, and filing a copy thereof, certified by such county recorder, with the Secretary of State and the Bank Commissioner.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage by the legislature and approval by the governor.

Approved March 16, 1907.

SENATE BILL NO. 36.

AN ACT

TO INSURE THE BETTER EDUCATION OF PRACTITIONERS OF DENTAL SURGERY, AND TO REGULATE THE PRACTICE OF DENTISTRY IN THE STATE OF IDAHO, PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person to practice dentistry in this State without having a license so to do from the Board of Dental Examiners.

SEC. 2. The State Board of Dental Examiners, consisting of five members, heretofore created, shall continue to be the State Board of Dental Examiners, upon the expiration of each member's term of office the Governor shall appoint his successor who shall hold office for three years or until his successor is appointed and qualified. In case of a vacancy occurring in

said board the Governor shall fill the same by appointment. No person shall be eligible for membership on such board who is not a legally practicing dentist in this State.

SEC. 3. Such board shall have power to make reasonable rules and regulations for carrying into effect the provisions of this act. It shall choose one of its members president, and one secretary thereof, and shall have a common seal. It shall hold one regular meeting in each year, and special meetings at such time and place as the board may select. A majority of the members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The board shall keep full and complete minutes of its proceedings and of its receipts and disbursements, and a full and complete record of all persons licensed and registered by it, and such records together with a list of licensed and registered dentists shall be public records, and shall at all reasonable times be open to public inspection. Such records or a transcript of the same, or any part thereof, under the seal of the board, certified by the secretary thereof, shall be competent evidence of the facts therein stated.

A certificate of the secretary under the seal of the board stating that any person is or is not a registered dentist shall be prima facie evidence of the fact.

SEC. 4. Out of the funds coming into the possession of the board from fees, fines and penalties recovered under the provisions of this act, all legitimate and necessary expenses incurred in attending and holding the session of said board, shall be paid, providing, that no part of the expenses of the board shall ever be paid out of the State treasury. All funds received in excess of expenses above provided for shall be held by the secretary of said board as a special fund for meeting the expenses of carrying out the provisions of this act. He shall give such bond as the board shall, from time to time, require. Further, provided, that the board shall make an annual report of its proceedings to the Governor, by December 1, of each year, together with an account of all money received and disbursed under this act.

SEC. 5. Any person who, as principal, agent, employer or employee, who in any manner whatsoever shall practice dentistry, or who shall run, operate or cause to be operated or manage a dental office or headquarters in the State of

Idaho without having first filed for record and had recorded in the office of the recorder of the county wherein he shall so practice or do such act, a license from said Board of Dental Examiners, as herein provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty dollars, nor more than two hundred dollars, or be confined for any period not exceeding six months in the county jail for each and every offense. All fines received under this act shall be paid one half to the school fund in the county in which conviction is secured, and one half to the State Dental Board.

SEC. 6. All persons shall be said to be practicing dentistry within the meaning of this act who shall contrary to this act, for a fee, salary or other reward, paid either directly, or indirectly to himself, or to another person for operations or parts of operations of any kind on, or treat diseases or lesions of the human teeth or jaws, or correct malpositions thereof. This act shall not be construed to prohibit an unlicensed person from performing mechanical work upon inert matter in a dental office or laboratory or to prohibit the student of a licensed dentist from assisting his preceptor in dental operations while in his presence and under his direct and immediate personal supervision, or to prohibit a duly licensed physician from treating the diseases of the mouth or performing operations in oral surgery.

SEC. 7. Every registered dentist shall in each and every year after 1907 pay to said Board of Examiners the sum of two dollars as a license fee for such year. Such payment shall be made prior to May the 1st in each and every year. And in case of default in such payments by any person his license may be revoked by the Board of Examiners upon twenty days' notice of the time and place of considering such revocation. But no license shall be revoked for such non-payment if the person so notified shall pay before or at such consideration, his fee and such penalty as may be imposed by said board, providing, that said board may impose a penalty of not to exceed ten dollars as a condition of allowing his license to stand. *Provided further*, That said Board of Examiners may collect any such bills by law.

SEC. 8. The Board of Dental Examiners created by this act may sue and be sued and in all actions brought by or against it, it shall be made a party under the name of the Board of Dental Examiners of the State of Idaho, and no

suit shall abate by reason of any change in the membership of said board.

SEC. 9. The certificate in this act provided for shall entitle the holder thereof to practice dentistry in any county in the State of Idaho, provided, such certificate shall first be filed for record in the office of the recorder of the county in which such holder desires to practice, and nothing herein contained shall be construed to permit any holder of any certificate to practice in any county in this State unless such certificate shall have been first recorded in the office of the recorder of such county as herein provided; *Provided, further,* That such holder of a certificate may practice in more than one or any number of counties in this State on having such certificate recorded in each of such counties in which such holder desires to so practice. Said Board of Dental Examiners shall upon satisfactory proof of the loss of any certificate issued under the provisions of this act, issue a new certificate in place thereof. The county recorder shall charge for registering such certificate a fee of one dollar.

SEC. 10. Any person who shall desire to begin the practice of dentistry in the State of Idaho shall file his name together with an application for examination with the Secretary of the State Board of Dental Examiners, and at the time of making application shall pay to the secretary a fee of twenty-five dollars and shall present himself at the first meeting of said board to undergo examination before that body. In order to be eligible for such examination, such person shall present to said board his diploma from some dental college in good standing or license from some other State Dental Board, or furnish proof of having been engaged in the study of dentistry under a licensed dentist for at least four years. The examination shall be elementary and practical in character, but sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include answering in the English language questions of and on the following subjects: Anatomy, physiology, chemistry, materia medica, therapeutics, oral surgery, metallurgy, histology, pathology, operative and mechanical dentistry, and also demonstrations of skill in operative and mechanical dentistry. All persons successfully passing such examinations shall be registered as a licensed dentist in the record book of the board and also receive a certificate of such registration. Said certificate shall be signed

by the president and secretary of the board, and also bear the official seal of said board.

The examination fee shall in no case be refunded, but a candidate failing in his first examination may demand a second examination at a subsequent meeting of the board, and no fee shall be charged for said examination.

SEC. 11. Said board may, in its discretion, accept any register upon payment of a registration fee, and without examination of the applicant any certificate which shall have been issued to him by the Dental Examining Board of any State or Territory of the United States; *Provided, however,* That the legal requirements of such dental examining board shall have been at the time of issuing such certificate in no degree or particular less than those of Idaho at the time when such certificate shall have been presented for registration to the board created by this act, and provided, that such applicant shall have been lawfully engaged in the practice of dentistry in the State from which he shall present his certificate for a period of five years next preceding his application to the Dental Board of the State of Idaho, and *Provided further,* That the provisions of this section contained shall be held to apply only to such of said Dental Examining Board as accept and register these certificates granted by this board, without examination by them of the one holding such certificates. Each applicant on making application, shall pay to the secretary of the board a fee of twenty-five dollars.

Approved, March 16, 1907.

SENATE BILL NO. 43.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE TAKING UP AND SALE OF ESTRAY ANIMALS; PROVIDE DAMAGES AND COMPENSATION FOR THE TAKING UP OF SAID ANIMALS; TO PROVIDE FOR THE DISPOSITION OF THE FUNDS ARISING FROM THE SALE OF SAID ANIMALS AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH."

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 1 of an act entitled "An act to regulate the taking up and sale of estray animals; provide

damages and compensation for the taking up of said animals; to provide for the disposition of the funds arising from the sale of said animals and repealing all acts and parts of acts in conflict herewith," be amended to read as follows:

Section 1. Any animal or animals running at large in this State without sufficient food or shelter at any time between the first day of November and the first day of the following March, and any bull old enough for service found running at large between the first day of November and the first day of June and any animal that breaks or jumps more than once into any field or other inclosure surrounded by a lawful fence, may be taken up by any resident of this State, and who shall immediately notify the constable of the precinct in which such animal or animals may be found, who shall proceed in the following manner:

(a) If the owner is known, he shall within five days notify such owner in writing, describing the animal or animals and where he may obtain the same.

(b) If the owner is unknown, then he shall at once send by registered mail to the county recorder a written notice describing the animal or animals so taken by marks, brands, age, sex, kind and color, and where the animal or animals are held, and shall search diligently on said animals for marks and brands.

(c) If the brands on said animal or animals are recorded, then such recorder shall immediately send by registered mail to the recorded owner to the post office address as stated in the brand book a copy of such notice, and shall notify the constable in the same manner of the name and address of such owner; and if the name of the owner of the brand cannot be found in the brand book or record, then such recorder shall immediately, by registered letter, notify said constable that the brand is not recorded.

(d) If the constable receives notice from the said county recorder that the brand described as being on said animal or animals are recorded and the owner of the recorded brand has been notified, he shall wait ten days after receiving said notice before advertising the sale thereof as herein provided.

(e) If, however, said constable receives notice that the brand described be not recorded, he shall at once advertise the said animal or animals for sale in a paper published in said county, and if no paper is published in said county, then in a pa-

per having general circulation therein, by notice, describing said animal or animals by giving their marks and brands, age as near as may be ascertained, sex, and color, and when and where the same will be sold, which notice must be published once a week for four successive weeks, and the sale must not be less than forty days from receiving said notice from the county recorder and must be made in some public place in the precinct where the damage was done.

(f) If the owner of the recorded brand does not appear and claim the animal or animals within ten days after the constable receives notice from the county recorder, then said constable shall proceed to advertise and sell said animals or animals the same as if the brand on said animal or animals was unrecorded.

(g) If any person appears before the constable and claims said animal or animals before such sale, then if such person appears to be the recorded owner of the brand of such animal or animals, such constable shall deliver such animal or animals to the owner on his paying all costs of caring for, sending and preparing notices, and advertising the same as hereinafter provided.

(h) If, however, such person is not the recorded owner of such brand, then such person must make affidavit that he is the owner, and state and give all particulars of ownership; and if the constable is satisfied that such person is the owner, the constable may turn over to him on his paying the damages assessed against said animal or animals and all costs of caring for, sending and preparing notices and advertising as hereinafter provided.

(i) If no person appears and claims said animal or animals on or before the day advertised for the sale, then such constable shall proceed to sell the same to the highest bidder for cash, and give a bill of sale to the purchaser or purchasers, and shall cause the same to be branded with the estray brand which shall be (E) on the left side of the neck, and the purchaser shall thereupon become the owner of said animal or animals.

(j) Out of the moneys received for such sale, he shall first pay the costs of advertising, sending and preparing notices, advertising the same and selling such animal or animals, and if any moneys are remaining, he shall turn the same over to the treasurer of the school district where said animal or

animals was or were taken up for the benefit of the school of said district.

(k) For the feeding and caring of such animal or animals, the constable shall receive the sum of ten cents per head a day; for writing and sending notices to the county recorder, he shall receive fifty cents; for selling the said animal or animals, he shall receive one dollar for the first head sold and fifty cents per head for each additional animals. The recorder shall receive fifty cents for each notice sent; the publishers shall receive legal rates for advertising each animal.

Approved March 16, 1907.

HOUSE BILL NO. 127.

AN ACT

TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED DEPOSITS OF MONEY IN BANKS AND BANKING INSTITUTIONS WITHIN THE STATE OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The president of every savings bank, savings and loan society and every other bank depository, society or institution in which deposits of money are made, whether any interest or dividend is paid or agreed to be paid thereon or not, must within fifteen days after the first day of January of every odd numbered year, return to the bank examiner of this State a sworn statement showing the amount placed to the credit, the last known place of residence or postoffice address and the fact of death, if known to said president, of every depositor who has not made a deposit therein or withdrawn therefrom any part of his deposit or any part of the interest or dividends thereon, for a period of ten years next preceding. Said president must give notice of these deposits in one or more newspapers published in or nearest the town, city, or village where said bank, society or other institution is situated or its principal place of business, at least once a week for four successive weeks, the cost of such publication to be paid out of such unclaimed deposits. This section does not apply to any deposit made by or in the name of a person known to the president to be living, or which with the accumulation thereon is less than fifty dollars. The bank examiner must incorporate in his subsequent report each return made to him as provided in this section.

Any president of any of the institutions mentioned in this section who neglects or refuses to make the sworn statement required herein is guilty of a misdemeanor.

SEC. 2. That after the publication of the notice above provided for has been completed for the term of six months, said banking institution shall pay over to the State Treasurer for the benefit of the school fund all moneys covered by said notices and unclaimed at said time.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 16, 1907.

HOUSE BILL NO. 171.

AN ACT

RELATING TO THE FILING AND RECORDING OF ARTICLES OF INCORPORATIONS IN THE OFFICE OF THE SECRETARY OF STATE, AND DECLARING AN EMERGENCY.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. All articles of incorporation hereafter filed in the office of the Secretary of State, and certificates of increase and decrease in the capital stock thereof, together with certificates of all other changes in said articles of incorporation provided by law, shall be recorded by the Secretary of State in books provided therefor, which books shall be properly indexed. *Provided, however,* That this section shall not be construed to require the recording of foreign articles of incorporation.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1907.

HOUSE BILL NO. 124.

AN ACT

TO AMEND SECTION 2711 OF THE REVISED STATUTES OF THE STATE OF IDAHO, AS AMENDED BY AN ACT APPROVED MARCH 9, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2711 of the Revised Statutes of the State of Idaho is hereby amended to read as follows, to-wit:

Section 2711. All persons, companies, or corporations supplying water to towns and cities, must furnish pure, fresh and healthful water to the inhabitants thereof for family use, business houses, lawns and all domestic purposes so long as its supply permits, without distinction of person, upon demand in writing therefor, under reasonable rules and regulations as the person, company, or corporation supplying water, may, from time to time, establish, and at such rates as established in the manner hereinafter specified; and must also furnish water to the extent of its means in case of fire, or other great necessity, at reasonable rates established in the manner hereinafter specified.

The rates to be charged for water must be determined by commissioners to be selected as follows: Two by the town or city authorities, or when there are no town or city authorities, then by the board of county commissioners of the county, the two said commissioners so selected to be taxpayers of such town or city. Said town or city authorities must, within ten days after the appointment of the two commissioners so selected, give notice in writing to said person, company, or corporation supplying water, of the appointment of such commissioners, and the names of each, and within thirty days thereafter two other commissioners taxpayers of said town or city must be selected by the person, company, or corporation supplying water, and in case a majority of the four commissioners so selected cannot agree on the rates to be fixed, they must select a fifth commissioner, who must also be a taxpayer of such town or city, and if they cannot agree upon a fifth commissioner, then the probate judge of the county, must, within ten days after notice to him by said commissioners, that they are unable to agree on a fifth commissioner, select a fifth commissioner qualified as aforesaid.

The decision of a majority of the commissioners thus selected must fix and determine the rates to be charged for water for all the uses and purposes heretofore specified, for the ensuing three years from the date of such decision, and until new rates are established as herein provided.

The decision of such commissioners so selected must be made within ninety days from the date such board of water

commissioners is complete: *Provided*, That any person, company, or corporation supplying water, and failing or refusing within the time above specified to appoint such commissioners so required of them, shall forfeit the sum of one hundred dollars per day for every day thereafter and until such commissioners are appointed: *Provided, further*, That nothing in this act contained shall relieve said town or city authorities from their duty to appoint the commissioners herein specified within a reasonable time after the granting of a franchise to any person, company, or corporation to supply water as aforesaid: *Provided further*, That said commissioners shall receive a reasonable compensation for their services in establishing such water rates, one half of said sum to be paid by the town or city and one half by such person, company, or corporation supplying water: *Provided further*, That said commissioners shall be empowered to incur any other expense that may be necessary to aid them in establishing such water rates, and one half of such expense shall be paid by the city or town, and the other half by such person, company, or corporation supplying water.

Approved March 16, 1907.

HOUSE BILL NO. 213.

AN ACT

TO AMEND SECTION 7 OF CHAPTER 1 OF AN ACT APPROVED MARCH 18, 1901, ENTITLED, "AN ACT TO PROVIDE FOR AN INSURANCE COMMISSIONER, DEFINING HIS DUTIES AND REGULATING HIS COMPENSATION, AND TO REGULATE LIFE INSURANCE IN THIS STATE, AND TO REPEAL EXISTING LAWS IN RELATION THERETO." AS AMENDED BY AN ACT OF THE LEGISLATURE APPROVED MARCH 10, 1903, THERETO AS AMENDED BY AN ACT OF THE LEGISLATURE APPROVED MARCH 7, 1905.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 7 of chapter 1 of an act approved March 18, 1901, entitled, "An act to provide for an insurance commissioner, defining his duties and regulating his compensation, and to regulate life insurance in this State, and to repeal existing laws in relation thereto," as amended by an act of the Legislature approved March 10, 1903, "as amended

by an act of the Legislature approved March 7, 1905, be and the same is amended to read as follows:

Section 7. That said insurance commissioner shall receive a salary of twenty-four hundred dollars per year, payable quarterly by the State Treasurer out of the general fund upon warrant drawn by the State Auditor. Said insurance commissioner shall also be allowed not to exceed eighteen hundred dollars per annum, payable in the same manner as his own salary, for a deputy commissioner. Said insurance commissioner shall also be allowed not to exceed sixteen hundred and forty-five dollars per annum for additional clerk hire and office expenses.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1907.

HOUSE BILL NO. 78.

AN ACT

TO ESTABLISH A TAX ON GIFTS, LEGACIES, INHERITANCES, BEQUESTS, DEVISES, SUCCESSIONS AND TRANSFERS, TO PROVIDE FOR ITS COLLECTION, AND TO DIRECT THE DISPOSITION OF ITS PROCEEDS; TO PROVIDE FOR THE ENFORCEMENT OF LIENS CREATED BY THIS ACT, AND FOR ACTIONS TO QUIET TITLE AGAINST CLAIMS OF LIENS THEREUNDER.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. All property which shall pass, by will or by the interstate laws of this State, from any person who may die seized or possessed of the same while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part thereof, shall be within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor, vendor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof

any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax hereinafter provided for, to be paid to the treasurer of the proper county, as hereinafter directed for the benefit of the general fund of this State, to be used for all the purposes for which said fund is available. And the county treasurer shall, upon the receipt of said tax, pay the same to the State Treasurer and take duplicate receipts thereof, one of which the county treasurer shall retain, and transmit the other to the State Auditor, and receive from him credit for the amount thereof on his account; and such tax shall be and remain a lien upon the property passed or transferred until paid and the person to whom the property passes or is transferred and all administrators, executors, and trustees of every estate so transferred or passed shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted.

SEC. 2. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omissions or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

SEC. 3. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

1. Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this State, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, *Provided, however,* Such relationship begun at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

2. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of one and one half per centum of the clear value of such interest in such property.

3. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

4. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

5. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

SEC. 4. The foregoing rates in section three are for convenience termed the primary rates. When the market value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

1. Upon all in excess of \$25,000 and up to \$50,000, one and one half times the primary rates.

2. Upon all in excess of \$50,000 and up to \$100,000, two times the primary rates.

3. Upon all in excess of \$100,000 and up to \$500,000, two and one half times the primary rates.

4. Upon all in excess of \$500,000, three times the primary rates.

SEC. 5. The following exemptions from the tax are hereby allowed:

1. All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporations, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof shall be exempt.

2. Property of the clear value of ten thousand dollars (\$10,000.00) transferred to the widow or to a minor child of the decedent, and of four thousand dollars (\$4,000.00) transferred to each of the other persons described in the first subdivision of section 3 shall be exempt.

3. Property of the clear value of two thousand dollars (\$2,000) transferred to each of the persons described in the second subdivision of section 3 shall be exempt.

4. Property of the clear value of one thousand five hundred dollars (\$1,500.00) transferred to each of the persons described in the third subdivision of section 3 shall be exempt.

5. Property of the clear value of one thousand dollars (\$1,000) transferred to each of the persons described in the fourth subdivision of section 3 shall be exempt.

6. Property of the clear value of five hundred dollars (\$500) transferred to each of the persons and corporations described in the fifth subdivision of section 3 shall be exempt.

SEC. 6. When any grant, gift, legacy or succession upon which a tax is imposed by section 1 of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or

interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section 14 of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *Provided*, That the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of Idaho, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said probate court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bonds shall be filed in the office of the county recorder of the proper county; *Provided further*, That such person shall make a full and verified return of such property to said court, and file the same in the office of the county recorder within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

SEC. 7. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissioners or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the probate court in which the probate proceedings are pending shall fix the compensation.

SEC. 8. All taxes imposed by this act, except as hereinafter provided, shall be due and payable at the death of the person rendering such property subject to such taxation, and interest, at the same rate as is now provided by law for delinquent taxes, shall be charged and collected thereon for such time as said tax is not paid; *Provided*, That if said tax is paid within one year from the accruing thereof no interest shall be charged or collected thereon, and if said tax is paid within six months from the accruing thereof a discount of five per centum

shall be allowed and deducted from said tax; *Provided, further,* That if by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay the estate of the decedent or any part thereof cannot be settled up at the end of the year from his or her decease, the probate court, or the judge thereof, may make necessary extensions of time for the payment of such taxes, but no single extension shall exceed one year, and in such cases only six per centum per annum shall be charged upon the said tax from the death of the decedent to the expiration of the period for which the extension of time was granted, after which interest, at the same rate as is now provided by law for delinquent taxes shall be charged; and in all such cases the tax on real estate shall remain a lien on the real estate on which the same is chargeable until paid, and the executors, administrators or trustees shall give a bond, to the people of the State of Idaho, in a penalty of three times the amount of the said tax, with such sureties as the probate judge of the proper county may approve, conditioned for the payment of said tax, and interest thereon, at the expiration of such period, which bond shall be filed in the office of said probate judge.

SEC. 9. Any administrator, executor, or trustees having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the probate court to make an apportionment, if the case requires it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

SEC. 10. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as

they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

SEC. 11. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending, and the said treasurer shall give, and every executor, administrator, or trustee, shall take, duplicate receipts for such payment, one of which receipts said executor, administrator, or trustee shall immediately send to the State Auditor whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said Auditor shall seal said receipt with the seal of his office, and countersign the same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator, or trustee shall not be entitled to credit in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the State Auditor, or a copy thereof, certified by him, and file the same with the court.

SEC. 12. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator, or trustee, if the said tax has not been paid to the county treasurer or to the State Auditor, or by them, if it has been so paid.

SEC. 13. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this State standing in the name of a decedent, or in trust for a decedent liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets of a decedent, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall

deliver or transfer the same to the executors, administrators, or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the county treasurer at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets of the estate of a non-resident decedent including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institutions, making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and penalty which may thereafter be assessed on account of the delivery or transfer of such securities, deposits, or other assets including the shares of the capital stock of or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this act, unless the county treasurer consents thereto in writing. And it shall be lawful for the said county treasurer, personally, or by representative, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice and to allow such examination, and to retain a sufficient portion or amount to pay such tax and penalty as herein provided, shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of two times the amount of the tax and penalty due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer; and the payment as herein provided shall be in force in an action brought in accordance with the provisions of section 18 of this chapter.

SEC. 14. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the probate court in which the probate proceedings are pending, on the application of any interested party, or upon its own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have or claim an interest in such property, and to such persons as the court may by order di-

rect, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report the said court shall, by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests, and the the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income, or interest shall, for the purposes, of this act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the insurance commissioner shall, on the application of said court, determine the value of such future or contingent or limited estate, income, or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on presentation of a sworn itemized account and on the certificate of the court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisalment, together with his actual and necessary traveling expenses.

SEC. 15. Any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days or both, and in addition thereto the court shall dismiss him from such service.

SEC. 16. The probate court in the county in which is situate the real property of a decedent who was not a resident of the State, or if there be no real property, then in the county

in which any of the personal property of such non-resident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, except as hereinafter provided, and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

SEC. 17. If it shall appear to the probate court, or judge thereof, that any tax accruing under this act has not been paid according to law, it shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax or any person or corporation liable under the law for the payment of said tax to appear before the court on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree, shall conform as near as may be to the provisions now established by the laws of this State in similar proceedings in the probate courts; and the clerk of the court shall, upon the request of the county attorney or treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county recorder of any county in the State, without fee, in the same manner and with the same effect as provided by section 4460, Revised Statutes of Idaho, 1887, for filing a transcript of an original docket.

SEC. 18. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the county attorney of the proper county, in writing, of such failure, to pay such tax and the county attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the probate court, as provided in section 18 of this act, for the enforcement and collection of such tax,

SEC. 19. The Secretary of the State shall furnish to each probate judge a book, which shall be a public record, and in which he shall enter the name of every decedent upon whose estate an application has been made to the probate court for the issuance of letters of administration, or letters testamentary, or ancillary letters, the date and place of death of such

decedent, the estimated value of his real and personal property, the names, places of residence, and relationship to him of his heirs-at-law, the names and places of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any real property devised therein, and to whom devised.

These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The probate judge shall also enter in such book the amount of personal property of any such decedent, as shown by the inventory thereof when made and filed in his office, and the returns made by any appraiser appointed by the court under this statute, and the value of annuities, life estates, terms of years, and other property of such decedent, or given by him in his will or otherwise, as fixed by the probate court and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent under this statute filed with him.

The probate judge shall, on the first day of January, April, July and October of each year make a report, in duplicate, upon forms to be furnished by the State Auditor, containing all the data and matters required to be entered in such book, and also of the property from which, or the party from which, he has reason to believe the tax under this act is due and unpaid, one of which shall be immediately delivered to the county treasurer and the other transmitted to the State Auditor.

SEC. 20. Whenever the probate court of any county shall certify that there was probable cause for issuing a citation and taking the proceedings specified in section 18 of this act, the State Treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid.

SEC. 21. The treasurer of each county shall collect and pay the State Treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the State Auditor, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the State Auditor may prescribe; and for all such taxes collected by

him and not paid to the State Treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

SEC. 22. Any person, or body politic or corporate, shall, upon payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or a copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died, seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the recorder's office in the county in which said property is situated, in a book to be kept by said recorder for such purpose, which shall be labeled "Inheritance Tax."

SEC. 23. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of Idaho, the sum of one thousand dollars, to be recovered in an action brought by the Attorney General in the name of the people of the State on the relation of the State Auditor.

SEC. 24. The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the State. The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described. The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

SEC. 25. In all cases where any tax has become or shall hereafter become a lien upon any property under or by virtue of any of the provisions of this act the county attorney of the county in which the estate of the decedent mentioned in this act is being administered or has been administered in probate proceed-

ings, may, whenever any property of said estate has been distributed without the payment to the State of all or any part of the taxes payable on account thereof under this act, bring and prosecute an action or actions in the name of the State as plaintiff, for the purpose of enforcing such lien or liens, against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was derived through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

(a) Actions may be brought against the State for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee, of any such decedent, or trustee of the estate or of any part of the estate of such decedent or distributee of the estate or of any part of the estate of any such decedent and any assignee, grantee, or successor in interest of any such persons, and all or any other persons who might be made parties defendant in any action brought by the State under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this section enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a

party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

(b) All actions under this section shall be commenced in the district court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of liens.

(c) Service of summons in the actions brought against the State shall be made on the Secretary of State and on the county attorney of the county in which the estate of the decedent mentioned herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said county attorney to defend all such actions.

(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials, and appeals.

(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

SEC. 26. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 16, 1907.

HOUSE BILL NO. 15.

AN ACT

RELATING TO BY-LAWS OF CORPORATIONS, PROVIDING FOR THE AMENDMENT THEREOF AND AMENDING SECTION 2591 OF THE REVISED STATUTES OF IDAHO.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 2591 of the Revised Statutes of the State of Idaho, be amended to read as follows:

Section 2591. All by-laws adopted must be certified by a majority of the directors and the secretary of the corporation, and copied in a legible hand in some book kept in the principle office of the corporation in this State, to be known as

the "Book of By-laws," and no by-laws shall take effect until so copied, and the book shall be open to the inspection of the public during office hours of each day except holidays. The by-laws may be repealed or amended, or new by-laws may be adopted at the annual meeting, or at any meeting of the stockholders or members called for that purpose by the directors, by a vote representing two-thirds of the subscribed stock, or two-thirds of the members when there is no capital stock, or the power to repeal and amend the by-laws, and adopt new by-laws, may by a similar vote at any such meeting, be delegated to the board of directors. This power, when so delegated, may be revoked by a similar vote at any regular meeting of the stockholders or members.

Whenever any amendment or new by-law is adopted, it shall be copied in the book of by-laws with the original by-laws, and immediately after them, and shall not take effect until so copied. If any by-laws be repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, must be stated in the said book, and until so stated the repeal must not take effect.

Approved March 16, 1907.

HOUSE BILL NO. 108.

AN ACT

AMENDING SECTIONS ONE (1) AND TWO (2) OF AN ACT ENTITLED "AN ACT PROVIDING FOR A SPECIAL PROPERTY ROAD TAX AND DEFINING THE DUTIES OF OFFICERS IN THE LEVY AND COLLECTION THEREOF," APPROVED MARCH 5, 1901.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That sections one (1) and two (2) of an act entitled "An act providing for a special property road tax and defining the duties of officers in the levy and collection thereof," approved March 5, 1901, be and the same are hereby amended to read as follows:

Section 1. The board of county commissioners in each county of the State may, at the first regular meeting thereof in January of each year, by resolution entered at length upon the record of minutes of the meeting, levy a special property road tax, not to exceed an amount equal to ten mills on the

dollar, on all taxable property in the county, as is shown by the assessment books of the county for the last preceding year (except such property as is within the corporate limits of any incorporated city, town or village), which tax shall be payable either in money or in work and labor, as is hereinafter provided. And in event it is deemed inadvisable by the board of county commissioners of any county or counties in the State to levy a special road tax upon all taxable property, as hereinbefore provided, and *Provided further* that a majority of the resident tax payers of any road district or districts in such county shall have, at the time of the first regular meeting in January, petitioned said board of county commissioners for the levy of a special road tax for their particular road district or districts, then the said board of county commissioners shall levy a special road tax in such amount as set forth in the petition thereof, not, however, exceeding an amount equal to ten mills on the dollar on all the taxable property in such road district or districts, as shown by the assessment books of the county for the last preceding year, and such tax shall be payable either in money or in work and labor, as hereinafter provided. And from and after such levy such tax shall become a lien upon all real property in the same manner and to the same extent that taxes levied for State and county purposes become a lien thereon; and at the same time and place and in the same manner the commissioners shall fix the compensation to be allowed for each day's work or labor of eight hours of a man or team and the use of tools.

Section 2. Upon the making of such levy, the auditor must, before the first day of the next succeeding April, make, under his seal, and mail to the postoffice address of or deliver in person to each road overseer in each district in the county, if the assessment covers the entire county, and otherwise to the road overseers of such road district or districts in which a levy for special road tax shall have been made, a copy of such resolution or resolutions and a description of all taxable property in his road district, together with the names of the owners thereof, as the same appears on the assessment books of the last preceding year; and also the amount of taxes due from each person, firm, or corporation therein named; and he shall also make and retain in his office copies thereof, showing the names of all persons, firms and corporations owning property in the county subject to the tax herein provided for, together with the amount due from each. And at the

time he makes the entries in the assessment book of his county, under the provisions of section 1489 of the Revised Statutes, as amended by an act "Relating to Revenues, etc.," approved on the 16th day of February, 1899, he shall enter therein, under appropriate heading the amount of said taxes opposite the name of the person, to whom the property upon which the same is assessed, belongs, as is shown by said assessment book.

Approved March 16, 1907.

HOUSE BILL NO. 206.

AN ACT

TO REGULATE THE PRACTICE OF OPTOMETRY AND FOR THE APPOINTMENT OF A BOARD OF EXAMINERS IN THE MATTER OF SAID REGULATION, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. The practice of optometry is defined as follows: Namely: The employment of subjective or objective mechanical means to determine the accommodative and refractive states of the eye and the scope of its functions in general.

SEC. 2. It shall be unlawful for any person to practice optometry in the State of Idaho unless he shall first have obtained a certificate of registration and filed the same, or a certified copy thereof, with the clerk of the county of his residence, all as hereinafter provided.

SEC. 3. There is hereby created a board whose duty it is to carry out the purposes and enforce the provisions of this act, and shall be styled the Idaho State Board of Examiners in Optometry. Said board shall be appointed by the Governor as soon as practicable after the passage of this act, and shall consist of three persons engaged in the actual practice of optometry, and residing in the State of Idaho. Each member of said board shall hold office for a term of four years, and until his successor is appointed. Appointments to fill vacancies caused by death, resignation or removal, shall be made for the residue of such term by the Governor. The members of

said board, before entering upon their duties, shall respectively take and subscribe to the oath required to be taken by other officers, and filed with the clerk of the county in which said member resides, and said board shall have a common seal.

SEC. 4. Said board shall choose at its first regular meeting, and annually thereafter, one of its members president, and one secretary thereof, who severally shall have the power during their term of office to administer oaths and take affidavits, certify thereto under their hand and the seal of the board. Said board shall meet at least once in each year at the State capitol, and in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting; a majority of said board shall at all times constitute a quorum. The secretary of said board, shall keep a full record of the proceedings of said board, which records shall at all reasonable times be open to public inspection.

SEC. 5. Every person before beginning to practice optometry in this State, after the passage of this act, shall pass an examination before said board of examiners. Such examination shall be confined to such knowledge as is essential to the practice of optometry. Any persons having signified to said board his desire to be examined by them shall appear before them at such time and place as they may designate, and before beginning such examination shall pay to the secretary of said board, for the use of said board, the sum of ten dollars, and if he shall successfully pass such examination, shall pay to said secretary, for use of said board, a further sum of five dollars on the issuance of a certificate. All persons successfully passing such examination shall be registered in the board register, which shall be kept by said secretary, as licensed to practice optometry, and shall also receive a certificate of such registration to be signed by the president and secretary of said board, which shall be filed as hereinafter provided.

SEC. 6. Every person who is actually engaged in the practice of optometry in the State of Idaho, at the time of the passage of this act, shall, within six months thereafter, file an affidavit in proof thereof with said board, who shall make and keep record of such person, and shall, in the consideration of the sum of five dollars, issue to him a certificate of registration.

SEC. 7. All persons entitled to a certificate of registra-

tion under the full provisions of section six shall be exempt from the provisions of section five of this act.

SEC. 8. Recipients of said certificate of registration shall present the same of record to the clerk of the county in which they reside, and shall pay the legal fee to the clerk for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any failure, neglect or refusal on the part of the person holding such certificate or copy of record to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one dollar for the re-issue of any certificate, and the clerk of any county shall be entitled to a fee of one dollar for making and certifying a copy of the record of any such certificate.

SEC. 9. Any person entitled to a certificate as provided for in section six of this act, who shall not within six months after the passage thereof make written application to the board of examiners for a certificate of registration, accompanied by a written statement, signed by him, and duly verified before an officer authorized to administer oaths within said State, fully setting forth the grounds upon which he claims such certificate, shall be deemed to have waived his rights to a certificate under the provisions or refusal on the part of any person holding such certificate under the provisions of such section. Any failure, neglect or refusal on the part of any person holding such certificate to file the same of record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same.

SEC. 10. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted.

SEC. 11. Out of the funds coming into the possession of said board, each member thereof may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of the office, and mileage at three cents per mile for all distance necessarily traveled in going and coming from the meetings of the board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other part of expenses of the board shall ever be paid out of the State Treasury. All moneys received in excess of said per diem allowance and mileage, as above provided for, shall be held by

the secretary as a special fund for meeting expenses of said board and carrying out the provisions of this act, and he shall give such bonds as the board shall from time to time direct, and the said board shall make an annual report of its proceedings to the Governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

SEC. 12. Every registered optometrist who desires to continue the practice of optometry in this State shall annually on such date as the board of optometry may determine, pay to the secretary of said board a registration fee to be fixed by the board, but which shall in no case exceed the sum of two dollars per annum, for which he shall receive a renewal of said registration; and in case of default in such payment, by any person, his certificate may be revoked by the board of examiners, under twenty days notice of the time and place considering such revocation. But no certificate shall be revoked for such non-payment, if the person so notified shall pay before or at such time of consideration his fee and such penalty as may be imposed by said board: *Provided*, That said board may impose a penalty of five dollars and no more on any one person so notified, as a condition of allowing his certificate to stand, *Provided, further*, That said board of examiners may collect any such fees by suit.

SEC. 13. Said board shall have power to revoke any certificate of registration granted by it under this act for conviction of crime, for habitual drunkenness, gross incompetency, or while licentiate is suffering from contagious or infectious disease; *Provided*, That before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and on a day specified in said notice at least five days after the services thereof, shall be given a public hearing, and have opportunity to produce testimony in his behalf and to confront the witness against him. Any person whose certificate has been revoked, may, after the expiration of ninety days, apply to have the same re-granted, and the same shall be re-granted, upon a satisfactory showing that the disqualification has ceased.

SEC. 14. Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty dollars, nor more than one hundred dollars, or by imprisonment in the county jail for a term for not less than one month nor

exceeding three months, and in default of payment of said fine shall be imprisoned in the county jail at the rate of one day for every two dollars of the fine so imposed. All fines thus received shall be paid into the common school fund of the county in which such conviction takes place.

SEC. 15. Justices of the peace and the respective municipal courts shall have jurisdiction of violation of this act. It shall be the duty of the respective district attorneys to prosecute all violations of this act.

SEC. 16. Nothing in this act shall be construed to apply to physicians and surgeons authorized to practice under the laws of the State of Idaho, nor to persons who sell spectacles or eye-glasses in the ordinary course of trade, and who do not attempt to employ subjective or objective mechanical means to determine the accommodative and refractive states of the eye.

SEC. 17. This act shall take effect and be in force from and after its passage.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 18, 1907.

SENATE BILL NO. 141.

AN ACT

TO AMEND SECTION 4126 OF THE REVISED STATUTES OF IDAHO CONCERNING CHANGES OF VENUE, AND REPEALING ALL ACTS IN CONFLICT HEREWITH.

Be It Enacted By the Legislature of the State of Idaho:

SECTION 1. That section 4126 of the Revised Statutes of Idaho be amended to read as follows:

Section 4126. Whenever in any action pending before any court, the judge or justice thereof shall be disqualified from acting therein, or, if from any cause the court orders the place of trial to be changed, it must be transferred for trial to such other court of competent jurisdiction as may be agreed upon by the parties by stipulation in writing in open court, and entered in the minutes; or, if they do not so agree, then to the nearest court where the like objection or cause for making the order does not exist, as follows:

First. If in the district court, to another district court.

Second. If in the probate court, to the district court in the same county.

Third. If in a justice court, to another justice's court in the same county.

Fourth. Whenever the judge of any district court shall be disqualified from hearing any cause pending therein, and any of the attorneys of record in such cause shall petition the Governor to request that the judge of some other district court hold court in the county wherein such cause is pending, the Governor may request the judge of the district court of some other district, who is not disqualified, to hold court in the county in which such cause is pending; and, upon receiving such request from the Governor, it shall be the duty of the judge so requested to hold such court and to try and determine such cause, and it shall be the duty of the disqualified judge to hold court for an equal length of time for the judge who takes his place, if so requested by such judge. The request of the attorneys hereinbefore provided for shall be in writing, filed in the cause, and a copy thereof, together with a list of all the attorneys of record in such cause, shall be certified by the clerk of the court to the Governor as speedily as possible.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1907.

SENATE CONCURRENT RESOLUTION OF INSTRUCTION NO. 7.

Whereas, There is not now any law to compel railroad companies engaged in interstate commerce to furnish cars for the shipment of freight or live stock nor to carry the same with proper dispatch; and,

Whereas, The business interests of the country are subjected to great loss and inconvenience by reason of the fact that many of the most important railroad systems in the country, taking advantage of the said defect in the law, constantly and wantonly neglect and refuse to furnish cars, and over-load their trains and make such slow time with trains carrying live

stock and perishable freight that the owners and shippers thereof are subjected to great and incalculable losses and actual suffering in many cases by reason of such neglect and refusal of the railroad companies to do their duty; and,

Whereas, It is manifest that greater speed would add to the carrying capacity of the roads, and in the case of live stock and perishable freight a reasonable rate of speed would avoid the enormous losses incurred under the present system; and,

Whereas, An average rate of speed of fifteen miles an hour, exclusive of stops for feed and water, could easily be maintained;

Therefore, be it Resolved, By the Senate of the State of Idaho, The House of Representatives concurring herein:

That our Senators be instructed and our Representatives in Congress be requested to do everything in their power to so amend the Interstate Commerce Law as will compel all railroad companies engaged in interstate commerce to furnish cars to all shippers, upon reasonable notice, and to carry live stock and perishable freight at an average speed of not less than fifteen miles an hour, exclusive of stops for feed and water.

Resolved, further, That a copy of these resolutions be forwarded to our Senators and Representatives in Congress.

Passed the Senate March 2, 1907.

Passed the House March 5, 1907.

HOUSE JOINT MEMORIAL NO. 5.

MEMORIALIZING THE HONORABLE SECRETARY OF THE INTERIOR.

Your Memorialists, the Legislature of the State of Idaho, respectfully represent:

First: That there are many settlers living upon homesteads on the Minidoka government project, in Idaho, in that part designated to be reclaimed by the installation of a pumping system.

Second: That at this time there is not definite information obtainable as to when, if ever, work is to be begun on said pumping system.

Third: That the early commencement of work on, and completion of, said pumping system would result in immense good to said settlers and to the State of Idaho.

Now, therefore, we your memorialists, respectfully urge that work on said pumping system, on said Minidoka project, be commenced at the earliest possible date and prosecuted with diligence to completion.

The Secretary of State is hereby authorized to communicate this joint memorial to the Secretary of the Interior.

Passed the House March 6, 1907.

Passed the Senate March 7, 1907.

SENATE JOINT MEMORIAL NO. 1.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE UNITED STATES IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, respectfully represent:

That, Whereas, A bill is now pending in the Senate of the United States providing for the granting of additional lands to the State of Idaho for the purpose of aiding in the construction of the State Capitol and procuring of the grounds and accommodations necessary and incident thereto. Therefore, your Memorialists, the Legislature of the State of Idaho, earnestly recommend the passage of said bill, and respectfully represent that:

The general grant to said State for said purpose in the admission act is inadequate to provide funds for the erection of a proper Capitol building. Much of the land selected under said original grant is arid in character and not of sufficient value to realize on the sale thereof the minimum price therefor as provided by law. Several thousand acres were selected which have since proved of little value, the selections having been erroneously made. There are yet many thousand acres of valuable public land in said State from which such selection could be made.

Your Memorialists, therefore, earnestly recommend the passage of said bill so that land selections for said purpose, sufficient to provide for the construction of a proper building may be made.

The Secretary of State is hereby requested to forward copies of this Memorial to the Senate and House of Representatives of the United States and to the Representatives in Congress from this State.

Passed Senate February 19, 1907.

Passed House February 25, 1907.

SENATE JOINT MEMORIAL NO. 2.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, respectfully represents that,

Whereas, The world's continued industrial advancement requires a continually increasing production of minerals both for monetary, commercial, and manufacturing purposes; and,

Whereas, In order to maintain a sufficient increase in volume of mineral production, it is necessary that there be applied the highest scientific knowledge to the problems of ore production and treatment; and,

Whereas, The nature of these problems justifies their solution for the benefit of every citizen of the United States which can be best accomplished through the governmental supervision and assistance of a Department of Mining, the head of which is a member of the President's Cabinet; and,

Whereas, The mining industry is annually adding nearly two billions of dollars to the wealth of the United States, and is furnishing employment to a vast army of men directly engaged in the mining industry, as well as furnishing the material necessary to the employment of men; and,

Whereas, The loss of life "being 3.53 per 1000 in coal mining operations in the United States as against 1.35 per 1000 in England" through a lack of proper precautions, over which but little, if any, supervision is exercised, is a disgrace to the Government from which the man is supposed to have greater consideration than the dollar, and,

Whereas, The product of the mines, when exhausted, cannot be replaced; and,

Whereas, The enormous waste of metal resources, through the application of unscientific methods of mining and

treatment, and the enormously extravagant waste of fuel, through both carelessness and unscientific methods, is a menace to our future industrial growth; and,

Whereas, The United States is the only English speaking nation in which this important industry receives relatively such small consideration, therefore; be it,

Resolved, By the Senate of the State of Idaho, the House of Representatives concurring therein, that we most respectfully urge upon the Congress of the United States the importance of creating a Department of Mining as a separate executive department of our national government, and that a copy of this memorial be forwarded to our Senators and Representatives in Congress by the Secretary of State; and be it further,

Resolved, That the Governor of the State of Idaho be requested to communicate with the President of the United States, requesting his co-operation in bringing about the creation of a Department of Mining through which the mining industry may receive that governmental recognition and assistance to which it is entitled as one of the two great productive industries of this country.

Passed the Senate March 2, 1907.

Passed the House March 5, 1907.

HOUSE JOINT MEMORIAL NO. 1.

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

Your Memorialists, the Legislature of the State of Idaho, respectfully represent; that,

Whereas, A bill is now pending in Congress having for its purpose the granting of pensions to the participants, or their widows, in what is known as the "Battle of Beecher Island."

Now, Therefore, Your memorialists urgently recommend that said bill be enacted into law. Said Legislation is necessary for the reason that the participants in said battle were civilian scouts enlisted and recruited by Colonel George Alexander Forsythe, and were known as Forsythe's scouts; that there were in number about fifty of said scouts including their of-

ficers, and at a point known as Beecher's Island in the State of Colorado, a battle was fought with the Indians on September 17, 1868; that said scouts and their officers were surrounded by more than one thousand Indians for nine days and nights; that five of said scouts were killed and twenty-one wounded, and the survivors suffered untold agony; that only a small number of said scouts survive to this day, and that practically all of them, and the widows of the deceased scouts, are in straightened circumstances financially; that, had they been regularly enlisted in the United States Army, they would long since have been receiving pensions; but on account of the irregularity of their enlistment and the nature of the service which they rendered their country, they are not entitled to pensions under the general law. For this reason a special bill has been introduced in Congress for their relief.

Your memorialists therefor earnestly recommend that said bill be passed in order that these men and their widows may receive that recognition to which they have always been entitled but which they have never received.

The Secretary of State is hereby instructed to forward copies of this Memorial to the Senate and House of Representatives of the United States and to our Representatives in Congress.

Passed House January 14, 1907.

Passed Senate January 22, 1907.

HOUSE JOINT MEMORIAL NO. 4.

JOINT MEMORIAL

MEMORALIZING THE CONGRESS OF THE UNITED STATES:

Your Memorialists, the Legislature of the State of Idaho, respectfully represent:

That Senate Bill No. 6651, introduced in the United States Senate by Senator W. B. Heyburn, would, if enacted into law, be of immeasurable benefit and convenience to the settlers on the "Minidoka" Government lands, besides proving of great benefit to the State of Idaho in sooner bringing to the State of Idaho property upon which taxes may be levied and collected, and we hereby urge the passage of said bill.

Passed House February 27, 1907.

Passed Senate March 6, 1907.

HOUSE JOINT RESOLUTION NO. 10. (SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 5.)

JOINT RESOLUTION

TO AMEND SECTION SIX OF ARTICLE EIGHTEEN OF THE CONSTITUTION OF THE STATE OF IDAHO; A JOINT RESOLUTION TO SUBMIT TO THE ELECTORS OF THE STATE OF IDAHO FOR THEIR REJECTION OR APPROVAL AN AMENDMENT TO SECTION SIX OF ARTICLE EIGHTEEN OF THE CONSTITUTION OF THE STATE OF IDAHO TO PERMIT COUNTY ASSESSORS AND TAX COLLECTORS TO EMPLOY SUCH DEPUTIES AND CLERICAL HELP AS THE BUSINESS OF THEIR OFFICE MAY REQUIRE.

Be It Resolved By the Legislature of the State of Idaho:

SECTION 1. That section six of article eighteen of the Constitution of the State of Idaho be amended to read as follows:

Section 6. The Legislature, by general and uniform laws, shall provide for the election biennially in each of the several counties of the State, of county commissioners, a sheriff, a county treasurer who is ex-officio public administrator, a probate judge, a county superintendent of public instruction, a county assessor who is ex-officio tax collector, a coroner and surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the Legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The Legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commisisoners may employ counsel when necessary. The sheriff, asessor and tax collector, auditor and recorder, and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected.

The salary and qualifications of the county superintendents shall be fixed by law.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows, to-wit: "Shall section six of article eighteen of the Constitution of the State of Idaho be amended so as to permit county assessors and tax collectors to employ such deputies and clerical help as the business of their office may require?"

SEC. 3. The Secretary of State is hereby authorized to make publication of this constitutional amendment in each county for at least six consecutive weeks prior to the next general election in not less than one newspaper of general circulation published in each county.

Passed House February 26, 1907.

Passed Senate March 6, 1907.

HOUSE CONCURRENT RESOLUTION NO. 7.

Be It Resolved by the House of Representatives, the Senate concurring, That the Legislature shall cease to consider Bills, Joint Resolutions, and Memorials at 11 a. m., March 8, 1907, and shall adjourn without day at 1 p. m. of that date.

Passed House March 7, 1907.

Passed Senate March 7, 1907.

HOUSE JOINT MEMORIAL NO. 2.

Your Memorialists, the Legislature of the State of Idaho, in regular session, do petition that the Congress of the United States will make such an appropriation as will properly remunerate Martin Meuli, the heirs of B. F. Morris, D. W. C. Dunwell and others, to sufficiently remunerate said parties for the losses sustained by them in the Nez Perce Indian War in the year 1877, and your memorialists will ever pray.

The Secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States and copies of the same to the Senators from Idaho and the Representative from said State.

Passed the House —, —

Passed the Senate March 2, 1907.

HOUSE JOINT RESOLUTION NO. 12.

JOINT RESOLUTION

RELATIVE TO THE MATTER OF RAILROAD RATES.

Be It Resolved By the Legislature of the State of Idaho:

That we thoroughly approve the action of our United States Senator, the Hon. Weldon B. Heyburn in his efforts to further the commercial interests of our State by the introduction of a bill into Congress making it unlawful for any common carrier to charge or receive any greater compensation for the transportation of passengers or freight for a shorter than for a longer distance, over the same line in the same direction, the shorter being included within the longer distance.

That a copy of these resolutions be sent to our Senators and Representatives in Congress.

Passed House March 4, 1907.

Passed Senate March 7, 1907.

HOUSE JOINT MEMORIAL NO. 3.

MEMORALIZING THE CONGRESS OF THE UNITED STATES.

Your Memorialists, the Legislature of the State of Idaho, respectfully represent:

That a bill to establish district land courts of the United States and an appellate land court of the United States, introduced by Senator W. B. Heyburn would, if enacted into law, prove of great advantage and convenience to the citizens of this State who are now required to litigate causes relating to titles to the public lands of this State in the local land offices and the Interior Department at Washington, and we hereby urge the passage of said bill.

Passed House February 26, 1907.

Passed Senate March 7, 1907.

HOUSE CONCURRENT RESOLUTION NO. 5.

Whereas, There are pending bills carrying appropriations now before the Legislature which should be included in the general appropriation bill, and

Whereas, This is the forty-fifth day of the session;

Be It Resolved, By the members of the House of Representatives, the Senate concurring, that the Committee on Appropriations be granted such time as is necessary for the introduction of the general appropriation bill, *Provided*, That they shall have the same introduced not later than March 1, 1907, and

Be It Further Resolved, That no bills, other than those pertaining to appropriations, shall be introduced after the 25th day of February, 1907, except a bill may be introduced after the 25th of February, 1907, if two thirds (2-3) of the members present and voting shall vote to permit such bill to be introduced.

Passed House February 20, 1907.

Passed Senate February 20, 1907.

HOUSE JOINT RESOLUTION NO. 7.

A RESOLUTION

RELATIVE TO THE MATTER OF FOREST RESERVES IN THE STATE OF IDAHO.

Be It Resolved By the Legislature of the State of Idaho:

That the forest reserve policy of the general government as administered is detrimental to the interests of the State of Idaho in that it has resulted in a practical transfer of jurisdiction over more than one third of the State to a bureau of the general government which has substituted rules and regulations inconsistent with the legal rights of the citizens of the State under the general laws by which the State is presumed to be governed:

That it has included within its boundaries more than one million acres of land belonging absolutely to the State of Idaho granted to the State by Congress under the admission act, which said act and the constitution of the State provides the sole means of disposal: That the grant of sections 16 and 36 was for the exclusive use of public schools: That while Congress has provided for homestead entries within the forest reserves under burdensome and impractical conditions the State cannot hope for substantial growth under such conditions as no people would care to make their homes in a section of

the country subject to such limitations and restrictions as will naturally prevent the growth of communities large enough to bring schools, churches and other institutions incident to community life; that contrary to the best interests of the State and the people, the mineral lands are included within the forest reserves and while theoretically they are open to prospecting, the limitations of forest reserve rules are such as to render it practically impossible to secure an investment of sufficient capital to develop mining claims after the prospector has found them, and capital will not, except in rare cases, invest in mining claims or locations within the forest reserves as they prefer to operate under well defined legal rights rather than permissions and privileges dependent upon the pleasure of departmental forces:

That we favor the creation of forest reserves, properly located and administered, where they will best serve the purpose of future propagation of timber and conservation of a water supply where such conservation is necessary; but that we sincerely regret that the present location and administration of forest reserves retard the growth and development of Idaho far beyond any possible benefit that can ever accrue from them to the State or general government.

That we favor the amendment of laws where they are found to be defective rather than a suspension of them which causes people's rights to be suspended at the will and pleasure of a departmental agent, and, that a copy of these resolutions be sent to our Senators and Representatives in Congress.

Passed House February 18, 1907.

Passed Senate February 28, 1907.

HOUSE JOINT RESOLUTION NO. 13.

Be It Resolved By the Legislature of the State of Idaho:

Whereas, The assassination of Hon. Frank Steunenberg, former Governor of this State, was a crime peculiarly directed againsts the whole people of the State, being a blow at the foundation of good government; and,

Resolved, That we declare this great murder case to be one, the burden of the prosecution of which properly devolves upon the State and which the people of the State cheerfully shoulder without suggestion of hesitation; Be further

Resolved, That the prosecution should be continued with the same vigor that has characterized it so far, no stone being left unturned in the effort to bring to justice those who may be guilty of the crime and that we have entire confidence that Governor Gooding and those associated with him will give the case the same loyal, patriotic attention in the future that they have in the past. And be it further

Resolved, That the State is endeavoring to probe a great crime and punish those responsible therefor. It is not actuated by malice against individuals or organizations, but is guided solely by the imperious demand of justice. Standing in the position of the government of the whole people, it is guarding the interests of the men accused as jealously as it protects the right of the prosecution to bring out all the facts before a jury sworn to determine their guilt or innocence. The State is bearing the entire cost, excepting such as fall upon the county where the crime was committed, and no dollar has been or will be supplied from any private source or organization whatsoever to either the State or the county. We protest against the widely circulated charge that the State is seeking to convict these men irrespective of their guilt or innocence. Though it stands in the position of a prosecutor, it will see the accused fully enjoy exactly the same rights that are secured to any other citizen called upon to face a criminal charge in its courts. But, while the State of Idaho, acting through its Governor and courts, will see that no injustice is done accused persons, the people will not rest until the crime shall have been fastened upon those who are responsible for it, whether it be the men now under arrest or others yet to be apprehended.

Passed House March 6, 1907.

Passed Senate March 8, 1907.

HOUSE CONCURRENT RESOLUTION NO. 4.

Whereas, According to the press dispatches, certain charges have been made against Hon. James F. Ailshie, Chief Justice of the Supreme Court of this State with a view of preventing his recommendation and appointment to the office of Judge of the Circuit Court of the United States for the District of Idaho and reflecting on his integrity by alleging improper connection on his part with certain mining and smelting interests,

and making other charges against him. Now, therefore, be it

Resolved, By the House of Representatives of the State of Idaho, the Senate concurring that we most emphatically condemn and denounce the said charges as unfounded and false, and without indicating any preference for any candidate for the said judgeship we hereby express our high confidence in Chief Justice Ailshie's integrity and ability. And be it further

Resolved, That copies of this resolution be telegraphed to the President of the United States and to Hon. W. B. Heyburn and Hon. Fred T. Dubois, United States Senators, at Washington, D. C.

Passed House February 18, 1907.

Passed Senate February 18, 1907.

HOUSE JOINT RESOLUTION NO. 6.

A JOINT RESOLUTION PROVIDING FOR THE SELECTION AND PRESENTATION TO MRS. MINNIE V. WESSELS OF A GOLD MEDAL IN RECOGNITION OF ARTISTIC AND MERITORIOUS SERVICES RENDERED BY HER TO THE STATE OF IDAHO AT THE LOUISIANA PURCHASE, AND AT THE LEWIS AND CLARK EXPOSITIONS, AND DIRECTING THE PAYMENT THEREFOR OUT OF THE PUBLIC TREASURY AND DECLARING AN EMERGENCY.

Be It Resolved By the Legislature of the State of Idaho:

Whereas, Mrs. Minnie V. Wessels did, at the Louisiana Purchase Exposition held at St. Louis, Missouri, in the year 1904, and at the Lewis and Clark Exposition held at Portland, Oregon, in the year, 1905, render valuable artistic and meritorious services to the State of Idaho, in arranging the floral and agricultural exhibits of the State of Idaho, whereby the State was greatly honored and benefited.

And, Whereas, some fitting testimonial of such services should be made by the State of Idaho in recognition thereof, Therefore be it resolved:

SECTION 1. That a committee of five, three from the House, to be selected by the Speaker of the House, and two from the Senate, to be selected by the President of the Senate, be appointed to select and procure a suitable gold medal, the same to be about two inches in diameter, upon one side of which shall appear the Coat of Arms of the State of Idaho,

and upon the other side some suitable inscription to be designed by the said committee in recognition of such services. Said committee shall procure such medal as early as practical, at an expense not exceeding seventy-five dollars, and deliver the same to His Excellency, the Governor of the State of Idaho, who shall present the same to Mrs. Minnie V. Wessels for and on behalf of the State of Idaho.

SEC. 2. That the Appropriation Committees of the Senate and House of Representatives are hereby directed to incorporate into the general appropriations bill an appropriation of the sum of seventy-five dollars (\$75.00) to cover the expense of procuring such medal.

The State Auditor will draw his proper warrant to pay the cost of said medal upon presentation to him of a statement, approved by the said committee or a majority thereof, by endorsement thereon, showing cost thereof, which shall not exceed seventy-five dollars.

SEC. 3. This resolution shall take effect immediately upon its passage and approval.

Approved March 2, 1907.

Passed House February 14, 1907.

Passed Senate February 26, 1907.

HOUSE JOINT RESOLUTION NO. 3.

A JOINT RESOLUTION TO BE SUBMITTED TO THE ELECTORS OF THE STATE OF IDAHO FOR REJECTION OR APPROVAL; PROPOSING THE REPEAL OF SECTIONS 11 AND 21 OF ARTICLE V OF THE CONSTITUTION OF IDAHO, AND PROPOSING AMENDMENTS TO SECTIONS 2, 17, 20, AND 24 OF ARTICLE V, AND SECTION 6 OF ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF IDAHO, PROVIDING A DISTRICT COURT FOR EACH COUNTY AND EXTENDING ITS JURISDICTION TO ALL MATTERS OF PROBATE, AND PROVIDING FOR THE ELECTION AND APPOINTMENT OF JUDGES THEREFOR, AND THEIR SALARIES, AND THE TERMS OF SAID COURTS.

Be It Resolved By the Legislature of the State of Idaho:

SECTION 1. That Sections 11 and 21 of Article V of the Constitution of the State of Idaho be and the same are hereby repealed and annulled.

SEC. 2. That Section 2 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Section 2. The judicial power of the State shall be vested in a court for the trial of impeachments, a supreme court, district courts, courts of justices of the peace, and such other courts inferior to the Supreme Courts as may be established by law for any incorporated city, town or village.

SEC. 3. That Section 17 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Section 17. The salary of the justices of the Supreme Court, until otherwise provided by the Legislature, shall be four thousand dollars each per annum, and the salary of the judges of the district court shall be as otherwise provided by law, and no justice of the Supreme Court, or judge of the district court, shall be paid his salary, or any part thereof, unless he shall first have taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which had been finally submitted for his consideration and determination thirty days prior to the taking and subscribing such oath.

SEC. 4. That Section 20 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Section 20. The district court shall have original jurisdiction in all cases, both at law and in equity, and in all matters of probate, settlement of estates of deceased persons and appointment of guardians, and such appellate jurisdiction as is now and may hereafter be conferred by law.

SEC. 5. That Section 24 of Article V of the Constitution of the State of Idaho be amended to read as follows:

Section 24. Each county in the State of Idaho shall be and constitute a judicial district, and there shall be in each of said counties a district court, for each of which at least one judge shall be elected by the qualified electors of said district at the general State election: *Provided, however,* That any county, in which the total vote for Governor at the last general election was not at least two thousand votes, shall be united with an adjoining county in the election of a judge and there shall be only one judge elected for said united counties until said counties shall each have cast at a general State election at least two thousand votes for Governor, and until said time only one judge shall be elected for the following counties, to-wit: Boise and Ada, one judge; Cassia and

Lincoln, one judge; Custer and Lemhi, one judge; Elmore and Blaine, one judge; and Owyhee and Canyon, one judge; *Provided further*, That when any judicial district shall cast over eight thousand votes for Governor at any general State election, an additional judge shall be elected therein for each additional eight thousand votes, or major part thereof, thereafter in said district, any one or more of whom may hold court, and there may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose from their own number a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. In districts composed of but one county there shall be no terms of court, but the court shall be open continuously for the transaction of business. In districts composed of two counties the judge shall hold the district courts of both of said counties in accordance with such rules for the dispatch of business as he may adopt. The courts shall be always open for the filing of papers, and for the transaction of business. The term of offices of district judges shall be four years from and after the first Monday of January next after their election. The present incumbent in each judicial district heretofore existing shall be and shall remain till the expiration of his term of office the judge of the new district wherein he resided when elected or appointed. All vacancies created by the adoption of these amendments shall be filled at a special election called by the Governor of Idaho, within ten days after the canvass of the returns of the general election at which these amendments are adopted, and held in the said new districts, upon giving notice thereof as provided for a general election, and said judges shall hold said offices until their successors are elected and qualified. The salary of a district judge shall be classified and based upon the vote for Governor at the last general election in his district immediately prior to the beginning of his term of office and shall be classified as follows: In districts having under four thousand votes, two thousand dollars per annum; over four thousand and not more than six thousand votes, two thousand five hundred dollars per annum; over six thousand votes, three thousand dollars per annum; one-half of which salary shall be paid out of the State treasury and the other half of which salary shall be paid out by the county or counties for which he is elected or appointed, and in cases where one judge is provided for more

than one county, that portion of his salary which is to be paid by the counties shall be apportioned between said counties according to the assessed valuation of their taxable property to be determined by the assessment of the preceding year, and in addition to said salaries there shall be paid in the same way to all district judges the actual and necessary hotel and traveling expenses incurred by them in holding court in counties other than those in which they reside.

SEC. 6. That Section 6 of Article XVIII of the Constitution of the State of Idaho be amended to read as follows:

Section 6. The Legislature by general and uniform laws, shall provide for the election biennially in each of the several counties of the State, of county commissioners, a sheriff, a county treasurer, who is ex-officio public administrator; a county superintendent of public instruction; a county assessor, who is ex-officio tax collector, a coroner and a surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the Legislature by general and uniform laws, shall provide for the election of such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The Legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys, which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected. The salary and qualifications of the county school superintendents shall be fixed by law.

SEC. 7. These amendments shall become operative on the second Monday of January, 1911, and all causes then pending in the probate courts of said counties and all matters of probate unsettled in said probate courts, together with all the records of said courts shall be transferred at said time to the said district courts of their respective counties.

SEC. 8. The question to be submitted to electors of the State, at the next general election, shall be in form as follows, to-wit:

Shall sections 11 and 21 of Article V of the Constitution of the State of Idaho be repealed and annulled, and sections 2, 17, 20, and 24 of article V, and section 6 of article XVIII of the Constitution of the State of Idaho be so amended as to abolish the probate court and extend the jurisdiction of the district court to all matters of probate and to provide for the election and appointment of judges therefor and their salaries, and to provide for the terms of said courts and establish a system of districts.

SEC. 9. The Secretary of State is hereby authorized to make publication of these constitutional amendments in each county for at least six consecutive weeks prior to the next general election in not less than one newspaper of general circulation published in each county.

Passed House February 28, 1907.

Passed Senate March 7, 1907.

RESOLUTIONS.

The joint committee appointed by the Legislature of the State of Idaho, upon the occasion of the death of Honorable Frank W. Hunt, to draft appropriate resolutions, unanimously adopted the following expression of the common bereavement:

To the will of an overruling Providence which has removed from our midst our beloved fellow citizen, who was an honored and distinguished figure in the Legislative and Executive departments of the State, we bow in sorrow and submission. The citizens of the State, with one common accord, upon the occasion of so great a public bereavement, desiring to honor the memory of the departed, as an expression of their regard and reverence of his public and private virtues and distinguished character, do hereby

Resolve, That we profoundly and thoroughly appreciate the private worth and domestic virtues, as well as the public services of our late fellow citizen, Frank W. Hunt. That we point to him as an inspiring example of the possibilities of American citizenship, a man who, by the simplicity of his

life and manners, and his devotion to what he so earnestly championed as the people's cause, won the hearts of a great people and rose from the condition of humble beginnings to the heights of honor and fame. And we feel that the memory of his character for integrity and unswerving fidelity to his convictions, and his high endeavor and faithful life will ever be treasured as a priceless heritage by a people whom he so devotedly served.

And Be It Further Resolved: That these resolutions be spread at length upon the Journal of each House of the Legislature of Idaho, and that a copy thereof be engrossed and presented to Mrs. Ruth Hunt with the assurance of profound sympathy in her deep personal affliction and with the expression of the sincere condolence of the entire State.

O. E. McCUTCHEON

W. C. WHITWELL

A. A. RICHARDS

JOS. P. FALLON

SAM BALLANTYNE

C. W. WHIFFIN

Joint Committee Senate and House of Representatives, Legislature of Idaho.

Duly adopted February 8, 1907.

E. A. BURRELL,
President of the Senate.

J. FRANK HUNT,
Speaker of the House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 2.

Whereas, The House of Representatives and the Senate of the State of Idaho, respectively did duly assemble at the place and on the day fixed by the Constitution of this State, therefor, to-wit: on January 7, 1907, and did on that day duly and permanently organize and fully complete their respective organization, Now Therefore,

Be It Resolved By the House of Representatives (the Senate Concurring)

That on Tuesday, January 15, 1907, at noon, the respective Houses of the Legislature shall vote separately for a per-

son to be Senator of the United States, for the term beginning March 4, 1907, and on the following day at noon meet in joint session in the House of Representatives to perform their further duties in the premises under the Constitution and the laws of the United States.

This Resolution was adopted January 14, 1907.

J. FRANK HUNT,
Speaker of the House of Representatives.

Passed House January 14, 1907.

Passed Senate January 14, 1907.

HOUSE CONCURRENT RESOLUTION NO. 1.

Be It Resolved By the House of Representatives, (the Senate concurring): ,

That on Tuesday, January 8, 1907, at 11:30 a. m. the Legislature of this State shall meet in joint session in the House of Representatives for the purpose of receiving the Governor's message and hearing the same read.

This resolution was adopted January 9, 1907.

J. FRANK HUNT,
Speaker of the House of Representatives.

Passed House January 9, 1907.

Passed Senate January 8, 1907.

RESOLUTIONS.

Whereas, At the close of the year 1905 the State of Idaho for the first time in its history was struck with a solemn awe by the cruel, wanton, murder of one of its past Governors, Honorable Frank Steunenberg, a crime so heinous that it shocked the nation and startled the civilized world; and,

Whereas, It is proper and fitting that the Legislature of the State of Idaho, in session assembled, express in enduring form, on behalf of its members and the people of the State, their deep sensibility and condemnation of this revolting assassination; and to commemorate the life and death of the martyred Governor;

Now, Therefore, Be It Resolved, by the Legislature of the State of Idaho, that we deplore the untimely taking off of Frank Steunenberg by the explosion of an infernal machine at the gate of his home at Caldwell, Idaho, on December 30, 1905, as being one of the most fiendish crimes in American history, and that we condemn the awful deed; that we earnestly pray that the guilty party or parties, whomsoever they may be, shall be discovered and through the calm, deliberate, and orderly process of the law be made to answer in the fullest measure for this atrocious murder.

Resolved, That we, in common with all the people of the State of Idaho, here acknowledged the State's high obligations to Frank Steunenberg for his great public services as Governor because of his honest, faithful, courageous administration of the laws, and for his preservation of the dignity and honor of Idaho; that we freely assert our admiration of the lofty public, and stainless private life of this dauntless, manly, gentle-hearted man, and we rejoice that his enduring memory will long serve as an inspiration to fidelity, courage and manhood in the men of today and to the generations to come, and,

Resolved, That the State of Idaho in the violent and tragic death of Frank Steunenberg has endured the loss of one of its highest and best types of citizenship, and while we mourn his terrible fate and share this great grief with his bereaved family, we cherish and revere his memory, and,

Resolved, That these resolutions be spread at length upon the Journal of each House of the Legislature of Idaho, and that a copy thereof be engrossed and presented to his family, and that a copy be sent to the press of the Capital City.

O. E. McCUTCHEON
W. C. WHITWELL
A. A. RICHARDS
JOS. P. FALLON
SAM BALLANTYNE
C. W. WHIFFIN

Joint Committee Senate and House of Representatives; Legislature of Idaho.

Duly adopted February 8, 1907.

E. A. BURREL,
President of the Senate.

J. FRANK HUNT,
Speaker of the House.

SENATE CONCURRENT RESOLUTION NO. 1.

Be It Resolved By the Legislature of the State of Idaho:

Resolved, (the House concurring), That a committee of three Senators and three Representatives be appointed to arrange for suitable services in memory of Hon. Frank Steunenberg and Hon. Frank W. Hunt, both ex-Governors of Idaho, who have departed this life since the adjournment of the last session of the Legislature; that such services be had at a joint session of the two Houses of the Legislature, and that said committee be instructed to report suitable resolutions and an appropriate programme for such exercises.

Approved January 19, 1907.

Passed Senate January 9, 1907.

Passed House January 10, 1907.

SENATE CONCURRENT RESOLUTION NO. 4.

Be It Resolved By the Legislature of the State of Idaho:

Resolved, the House concurring, That a committee to consist of three Senators and five Representatives, be appointed to visit the University of Idaho, the State Normal School at Lewiston, and the Northern Insane Asylum at Orofino; and that a like committee be appointed to visit the Normal School at Albion, the Academy at Pocatello, the Insane Asylum at Blackfoot, and the Industrial School at St. Anthony.

Signed by the President of the Senate January 24, 1907.

Signed by the Speaker of the House January 25, 1907.

UNITED STATES OF AMERICA,
STATE OF IDAHO.

I, ROBERT LANSDON, Secretary of State, of the State of Idaho, do hereby certify that the foregoing printed volume contains true and literal copies of all the laws, memorials and resolutions passed by the Legislature of the State of Idaho, at the Ninth Session thereof, (which convened on the 7th day of January, 1907, and adjourned on the 8th day of March, 1907), as appears from the enrolled acts, memorials and resolutions now on file in this office, and that the same are published under the authority of the State of Idaho.



In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital, this 30th day of April, in the year of our Lord one thousand nine hundred and seven, and of the independence of the United States of America the one hundred and thirty-first.

Robert Lansdon

Secretary of State.

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